

# ELBERT COUNTY ZONING REGULATIONS

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## PART 1, SECTION 1:

## TITLE AND AUTHORITY

### A. TITLE

The Elbert County Zoning Regulations and map establishing zoning areas in Elbert County, Colorado, regulating the use of buildings, structures and land; the location, height, bulk and size of buildings, fences and other structures; the lot size and percentage that may be occupied; the size of yards and other open spaces; the density and distribution of population; and providing further a description of certain terms used herein; penalties to be prescribed for the violation of these provisions; procedure for the amendment of these provisions and methods of administration and enforcement to be applied.

### B. SHORT TITLE

For the purpose of brevity, these zoning regulations shall hereafter be referred to as the "**Elbert County Zoning Regulations**".

### C. PURPOSE

These regulations shall be for the purpose of promoting the health, safety and welfare of the present and future inhabitants of Elbert County, Colorado, by lessening of congestion in the streets and roads; securing safety from fire and other dangers; providing adequate light and air; classification of land uses and distribution of land development and utilization; protection of the tax base; securing economy in governmental expenditures; fostering the State's agricultural and other industries and the protection of urban and non-urban development.

### D. AUTHORITY

The Elbert County Zoning Regulations are authorized by Article 28, Chapter 30, of the Colorado Revised Statutes (CRS), 1973, as amended, and is hereby declared to be in accordance with all provisions of the Statutes.

### E. MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Regulation shall be regarded as the minimum requirements for the protection of the public health, safety and welfare for present and future residents of Elbert County. Residences constructed or located upon lands in unincorporated areas of Elbert County shall meet living area minimum square footage requirements as set forth in Part II, Section 1 of these Regulations.

### F. OVERLAPPING REGULATIONS

Except with respect to approved and recorded development guides within Planned Unit Development (PUD) districts, whenever both a provision of this Regulation, or any provision in any other law, ordinance, resolution, rule or regulation of any kind, contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

G. EXISTING PERMITS, EASEMENTS, DEVELOPMENT GUIDES AND OTHER APPROVALS

The Elbert County Zoning Regulations are not intended to abrogate, annul, govern or prevail over any permits, easements or Development Guides issued prior to the effective date of these Regulations.

H. JURISDICTION

The Elbert County Zoning Regulations shall apply to all properties within the unincorporated area of the County of Elbert, Colorado.

I. FEES

The Board of County Commissioners shall establish and adopt a schedule of fees to be paid by the applicant/developer to defray the expenses of the County in the review and hearing of proposed developments, amendments and adjustments to approved and recorded plans.

J. ZONING AREAS

1. In order to carry out the purpose and provisions of these Regulations, the following zoning areas are hereby established:

a.	A	Agricultural	(60+ Acres)
b.	A-1	Agricultural-One	(MIN 35 Acres)
c.	A-2	Agricultural-Two	(MIN 20 Acres)
d.	AR	Agricultural Residential	(MIN 10 Acres)
e.	RA-1	Residential Agricultural-One	(MIN 5 Acres)
f.	RA-2	Residential Agricultural-Two	(MIN 2.5 Acres)
g.	R1	Residential One	(MIN 1.0 Acres)
h.	R2	Residential Two	(Under 1 Acre)
i.	MF	Multifamily	
j.	MH	Mobile Home Subdivision	
k.	B	Business District	
l.	C	Commercial District	
m.	LI	Light Industrial District	
n.	GI	General Industrial District	
o.	PUD	Planned Unit Development	

2. Where uncertainty exists as to the boundaries of areas shown on a zoning map, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, stream beds, railroad right-of-way or alleys shall be construed to follow such center lines.

- b. Boundaries indicated as approximately following the right-of-way lines of streets, highways or alleys shall be construed to follow such right-of-way lines, and in event of change in the right-of-way line, shall be construed as moving with the right-of-way line.
- c. Boundaries indicated as approximately following platted lot lines shall be construed to follow such lot lines.
- d. Boundaries indicated as parallel to, or extensions of, features indicated in subsections a. through c. above shall be construed. Distances not specifically indicated on the official zoning area map shall be determined by the scale of the map.
- e. Where a street or alley is vacated or abandoned the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned street or alley.
- f. Disputes concerning the exact location of any district boundary line shall be decided by Community and Development Services Where a lot is divided at the time of enactment of this Regulation, or any subsequent amendment thereto by a zoning area requirement, may be extended not more than twenty-five (25) feet into the more restrictive zoning district adjacent to such line.

#### K. ZONING MAP

The location of the zoning areas hereby established is shown on the map entitled "Official Zoning Map of Elbert County", dated July 5, 1983 thru 1997, and which were certified per Resolution 07-103 on December 5, 2007, which is hereby made, along with explanatory matter thereon, a part of this Regulation. The Official Zoning Map, together with each amendment thereto, shall be filed in the office of the Elbert County Clerk; who shall also maintain a current map at all times. All amendments to the map made in conformity with this regulation shall be recorded on the map within thirty (30) days of its adoption, showing general location, effective date, and nature of the change. Unless otherwise specified on the Official Zoning Map, district boundaries shall be construed to lie on the center line of streets or alleys; on lot lines of platted subdivisions; on railroad right-of-way boundaries; on the boundary lines of incorporated areas; or on section lines.

No change shall be made to the Official Zoning Map, except in the manner hereafter set forth. Any unauthorized change to the Official Zoning Map by any person or persons shall be punishable as a misdemeanor and shall receive the same penalty as set forth in Section 1, Item M.

The current Zoning Map and Zoning Regulations will be available to the public in the Elbert County Community and Development Services and should be consulted for zoning information.

#### L. VIOLATIONS

No land in Elbert County shall be used, nor any building or structure erected, constructed, enlarged, altered, maintained, moved or used in violation of the Elbert County Zoning Regulations or amendments thereto. The Board of County Commissioners, through the County Attorney and court of appropriate jurisdiction, may initiate legal action to prevent, abate or remove such unlawful use, maintenance, erection, construction, reconstruction or alteration, in addition to any other remedies provided by law.

M. PENALTIES

Any person, firm, or corporation, whether as principle agent, employee or otherwise, who violates any of the provisions of this Regulation shall be fined an amount not to exceed one hundred dollars (\$100.00) for each such violation; such fine to inure to the County of Elbert, State of Colorado. Each day of the documented existence of any situation held to be a violation shall be deemed an equal and separate offense.

N. ANY PROVISION DECLARED INVALID

If any provision of the Elbert County Zoning Regulations is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to the legislative intent that:

1. The effect of such decision shall be limited to that provision or provisions which are expressly stated in the decision to be invalid; and
2. Such decision shall not affect, impair or nullify the Elbert County Zoning Regulations as a whole or any other part thereof, but the rest of these Regulations shall continue in full force and effect.

O. APPLICATION OF ANY PROVISION DECLARED INVALID

If the application of any provision of the Elbert County Zoning Regulation to any lot, building, other structure or tract of land is declared to be invalid by a decision of any court of competent jurisdiction, it is hereby declared to be the legislative intent that:

1. The effect of such decision shall be limited to that lot, building, other structure or tract of land immediately involved in the controversy, action or proceeding in which the judgment or decree of validity was rendered; and
2. Such decision shall not affect, impair or nullify the Elbert County Zoning Regulations as a whole, or the application of any provision thereof, to any other lot, building, other structure or tract of land.

P. REPEALS, EFFECTIVE DATE

1. These Elbert County Zoning Regulations shall repeal the Zoning Regulations of Elbert County, Colorado, adopted March 17, 1978 and amendments thereto.
2. Repeal of the above-mentioned regulations does not revive other regulations or portion thereof, except for those regulations which have been included and re-enacted as part of this Regulation.
3. Such repeal shall not affect or prevent the prosecution or punishment of any person for the violation of any regulations repealed hereby, for any offense committed prior to the repeal.

4. These Regulations shall become effective on the date of adoption. Notice of public hearing hereon was advertised in the Elbert County News, Castle Rock, Colorado and the Ranchland Farm News, Simla, Colorado, on June 2, 1983.

Public hearing held on July 5, 1983, pursuant to said notice.

These Regulations were adopted the 5th day of July, 1983, at 11:00 a.m.

Board of County Commissioners of the County of Elbert, Colorado.

#### Q. AMENDMENTS

1. Amendments to the Elbert County Zoning Regulations were made on the dates listed below and are included in these Zoning Regulations.

**October 4, 2009**

May 28, 2008  
February 1, 2006  
December 14, 2005  
March 2, 2005  
September 15, 2004  
July 14, 2004  
April 2, 2002  
February 14, 2002  
January 15, 2002  
April 26, 2000  
March 17, 1999  
February 18, 1998  
April 16, 1997  
December 18, 1996  
August 2, 1994  
June 29, 1994  
May 27, 1994  
May 11, 1994  
January 5, 1994  
September 22, 1993  
June 18, 1993

**PART I, SECTION 2:**

**PLANNING COMMISSION**

**A. INTENT**

The purpose of the Planning Commission, hereby created, shall be to review all land use applications before submission of same to the Board of County Commissioners and make formal recommendations based on the terms of the Elbert County Zoning Regulations, as well as any related regulations or plans.

**B. POWERS OF THE PLANNING COMMISSION**

The Planning Commission shall have power, except otherwise provided by law:

1. To make and recommend a County Master Plan.
2. To review and approve conceptual plans, when applicable.
3. To review and make recommendations to the Board of County Commissioners for amendments to the Elbert County Zoning Regulations.
4. To review and make recommendations to the Board of County Commissioners for rezoning of land.
5. To review and make recommendations to the Board of County Commissioners for preliminary plans.
6. To review and make recommendations concerning any other matters which may be submitted to it by the Board of County Commissioners.

**C. GENERAL PROVISIONS**

1. The Board of County Commissioners of Elbert County shall appoint a Planning Commission consisting of nine (9) voting members. Each member of the Planning Commission shall be a resident of the County. The term of appointed members of the Planning Commission shall be three (3) years, and until their respective successors have been appointed. The terms of office shall be staggered, by making the appointments so that approximately one-third (1/3) of the member's terms expire each year. A quorum shall consist of five (5) members, with a majority or simple vote to carry.
2. Any member of the Planning Commission may be removed for non-performance of duty or misconduct by the Board of County Commissioners. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.
3. The Planning Commission shall receive reasonable compensation by Elbert County, not to exceed thirty dollars (\$30.00) per meeting and reimbursement for mileage for attending official and special meetings.



4. The Planning Commission shall elect from its members a Chairperson and Vice-Chairperson whose terms shall be for one (1) year. Other positions may be created by the Planning Commission when needed.
5. The Planning Commission shall adopt such rules and regulations governing its proceedings as it may consider necessary or advisable. Such rules and regulations shall be consistent with the guidelines of this Section and appropriate State Statutes.
6. The Planning Commission shall meet at least once each month to review and process applications and other requests submitted to the Planning Commission. All meetings shall be open to the public. An agenda of items shall be made available to the public at the Elbert County Community and Development Services Offices before the meeting.
7. The Planning Commission may call special meetings for special projects or other important topics for review, discussion or recommendation. Alternate hearing dates due to weather conditions or other scheduling difficulties may be considered by the Chairperson of the Planning Commission.
8. A quorum shall be five (5) members of the Planning Commission. No meetings shall be held unless a quorum is present. In the absence of a quorum, any convened meeting shall be terminated by the presiding members within a reasonable time after gathering.

A majority vote of the voting members present is required for a recommendation or determination. In the event of a dissenting vote by one (1) or more members of the Planning Commission, a roll call vote shall be recorded in the minutes of the meeting.

9. A secretary to the Planning Commission shall be appointed by the Community and Development Services Director from Community and Development Services to be present at all regular and special meetings of the Planning Commission. The secretary shall take the minutes of the meetings in an appropriate manner approved by the Planning Commission. The minutes shall be made a matter of public record within a practical time after the official meeting of the Planning Commission and will be available at Community and Development Services. Anyone wishing to have a transcript of the proceedings may have a court reporter present at their own expense.
10. The Community and Development Services Director shall serve as advisor to the Planning Commission on all planning and zoning matters brought to their attention, and be responsible for scheduling all Planning Commission meetings in accordance with the guidelines established by the Planning Commission. The Community and Development Services Director or his authorized representative, shall represent the Planning Commission at official meetings at which the Planning Commission's recommendation(s) or opinions are so solicited, inclusive of, but not limited to, meetings before the Board of County Commissioners, regional planning advisory meetings and at such other times as approved by the Planning Commission.

The Community and Development Services Director shall conduct research, report preparation or other tasks as assigned by the Planning Commission on land use matters or contract for technical assistance in the preparation of information for use by the Planning Commission or the Board of County Commissioners in the review and processing of land use and zoning requests.

The Community and Development Services Director shall serve as the administrative office for the Planning Commission and be available for assisting any Planning Commission member in provision of secretarial or other services as needed.

#### D. REVIEW AND RECOMMENDATION PROCEDURE

1. The Planning Commission shall review responses from referral agencies, staff comments and recommendations and the proposal submitted by the applicant on planning or zoning matters and recommend one of the following:
  - a. Approval of the proposal without conditions.
  - b. Conditional Approval of the proposal indicating for the record what condition(s).
  - c. Denial of the proposal indicating for the record the reason(s) for the recommendation of denial.
  - d. Continuing the Request until a further regularly scheduled meeting in order to obtain more information and help clarify the request before them.

No continuance shall exceed six (6) months unless a written request is received and approved by the Planning Commission prior to the expiration of this continuance.

2. The Board of County Commissioners shall review the application proposal, responses from referral agencies, staff comments and the Planning Commission recommendation and shall make one of the following decisions regarding the application:
  - a. Approval of the proposal without conditions.
  - b. Conditional Approval of the proposal indication for the record what condition(s).
  - c. Denial of the proposal indicating for the record the reason(s) for denial.
  - d. Continuing the request until a further regularly scheduled meeting in order to obtain more information and help clarify the request before them.

The Board of County Commissioners may continue the matter for submission of additional information if they determine that additional information is required or remand the matter to the Planning Commission for further review if the Board of County Commissioners makes any recommendation toward substantial change in the proposal as submitted by the Planning Commission.

## **PART I, SECTION 3:**

## **BOARD OF ADJUSTMENTS**

### **A. INTENT**

The purpose of the Board of Adjustments hereby created, shall be to provide for, in appropriate cases and subject to additional conditions and safeguards, the ability to make special exceptions to the terms of the Elbert County Zoning Regulations in conformance with its general purpose and intent.

### **B. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENTS**

The Board of Adjustments has the following powers:

1. To hear and act upon requests for a variance to the:
  - a. Minimum area of lot;
  - b. Minimum width of lot;
  - c. Maximum height of structures and fences;
  - d. Minimum front yard;
  - e. Minimum side yard;
  - f. Minimum rear yard;
  - g. Minimum off-street parking requirements; and/or
  - h. Such variances as may be deemed necessary by the Board of County Commissioners where, by reason of exceptional shape, size, topography of the lot, condition of the building or land, practical difficulty or unnecessary hardship would result to the owner of said property from a strict application or enforcement of the Elbert County Zoning Regulations.
2. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency, or to decide in the favor of the appellant.
3. No variance shall be granted by the Board of Adjustments when, in the opinion of said Board, the applicant has not provided reasonable and adequate evidence justifying the request presented, or when the request is determined to be a self-imposed hardship which can be rectified by means other than a variance.

### **C. GENERAL PROVISIONS**

1. The Board of County Commissioners of Elbert County shall appoint a Board of Adjustments consisting of five (5) voting members. Not more than half of the members of such Board may at any time be members of the Planning Commission. Each of the members of the Board of Adjustments shall be a resident of the County. The term of appointed members of the Board of Adjustments shall be three (3) years and until their respective successors have been appointed. The terms of office shall be staggered by making the appointments so that at least one (1) member's term will expire each year.

2. The Board of County Commissioners may appoint two (2) associate members to the Board of Adjustments. Each associate member shall be a resident of the County. In the event that any regular member of the Board of Adjustments is temporarily unable to act, due to absence from the County, illness, interest in a matter before the Board of Adjustments, or any other cause, that member's place may be taken during such temporary disability by the most senior associate member present based upon length of service.
3. Any member of the Board of Adjustments may be removed for non-performance of duty or misconduct by the Board of County Commissioners. Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments.
4. The Board of Adjustments shall receive reasonable compensation by Elbert County not to exceed thirty dollars (\$30.00) per meeting plus mileage for attending official and special meetings.
5. The Board of Adjustments shall elect from its members a Chairperson and a Vice-Chairperson whose term shall be for one (1) year. Other positions may be created by the Board of Adjustments when needed.
6. The Board of Adjustments shall adopt such rules and regulations governing its proceedings as it may consider necessary or advisable, such rules and regulations shall be consistent with the guidelines of this Section and appropriate State statutes.
7. The Board of Adjustments shall meet as often as necessary to hear and act upon applications and other appropriate requests submitted.
8. The Board of Adjustments may call special meetings for special projects and other important topics for review, discussion and/or recommendation. Alternate hearing dates due to weather conditions and other scheduling difficulties may be considered by the Chairman of the Board of Adjustments.
9. A secretary shall be provided by Community and Development Services to the Board of Adjustments and shall be present at all regular and special meetings of the Board of Adjustments. The minutes shall be made a matter of public record within a practical time after the official meeting of the Board of Adjustments and will be available at Community and Development Services. Anyone wishing to have a transcript of the proceedings may have a court reporter present at their own expense.

#### D. PROCEDURE FOR A VARIANCE

1. The applicant shall discuss the variance request informally with the Community and Development Services Director to learn what materials and what steps are necessary for the application.

2. A formal application shall be submitted to the Community and Development Services Director and shall consist of the following:
  - a. A completed application form;
  - b. Proof of ownership of the land on which the appeal is requested;
  - c. Application fee - see current fee schedule; and
  - d. If applicable, a site plan indicating what the variance is or where it will be on the affected property. Such plan shall be drawn to scale and include the height and setbacks of all existing and proposed structures, and any other information requested by the Community and Development Services Director, when applicable to the request.
3. Community and Development Services Staff shall review the variance application within ten (10) working days and schedule the request before the Board of Adjustments when it determines that the application is complete.
4. The Community and Development Services Director shall submit the application to the appropriate referral agencies for review. The prescribed time limits for review of a variance application shall not exceed thirty (30) days.
5. At least thirty (30) days prior to a public hearing before the Board of Adjustments, notice of hearing shall be published in a newspaper of general circulation in Elbert County at least once. Publication of said notice shall be the responsibility of the applicant and shall read as follows:

\*\*\*\*\*

**"NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF ADJUSTMENT"**

**"Variance from \_\_\_ feet to \_\_\_\_\_ feet for \_\_\_\_\_ setback"**

"Notice is hereby given that on \_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_ (year), at \_\_\_\_ (time A.M./P.M.), or as soon as possible thereafter, in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as this hearing may be adjourned, Board of Adjustment public hearing will be held upon the application on file with the Elbert County Community and Development Services, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 621-3136, by \_\_\_\_\_ (name of applicant) for a variance pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately \_\_\_\_\_ (distance and direction from nearest major intersection.)"

Project Name and Number:

Legal Description of Property:

Reason:

Date of Application:

Published In: \_\_\_\_\_ (name of newspaper),  
 \_\_\_\_\_ (date of Publication).

\*\*\*\*\*

\*Publishers affidavit verifying the above publication shall be submitted to Community and Development Services at least five (5) working days prior to the public hearing.

6. At least thirty (30) days prior to the day of the public hearing before the Board of Adjustments, the applicant shall mail a notice of said hearing by Certified Mail, Return Receipt requested, to owner(s) of property adjacent to, and within five hundred feet (500') of, the property under consideration for the Variance and to the mineral right's owners and lessees and easement holders, as shown in the records of the office of the Elbert County Assessor.
7. At least twenty-four (24) days prior to the day of the public hearing before the Board of Adjustments, the applicant shall submit to Community and Development Services, the following: the white postal receipts for Certified Mail mailed to the adjacent property owners and the property owners within five hundred (500) feet of the proposed site as required by these Variance Procedures and requirements; a copy of the note mailed to said property owners; and a list, in alphabetical order, of the adjacent property owners and a map illustrating the location and proximity of the adjacent property owners and property owners within five hundred (500) feet of the proposed site.

At least five (5) working days prior to the date of the Public Hearing before the Board of Adjustments, the applicant shall submit to Community and Development Services, the green postal Domestic Return Receipts mailed to the adjacent property owners and property owners within five hundred (500) feet of the proposed site as required by these Variance Procedures and Requirements.

8. The applicant shall also be required to post notice on the property for which the variance is requested at least thirty (30) days prior to the day of the public hearing before the Board of Adjustment. Such notice shall consist of at least one (1) sign facing parallel to each adjacent right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'), size of letters shall be a minimum of three (3) inches high and such signs shall be erected no further than ten (10) feet beyond the edge of the adjacent right-of-way, on posts which shall locate the bottom of the sign no less than three (3) feet above the ground. All signs shall be clearly legible to persons on the adjacent right-of-way and shall be completed and installed in a neat and professional manner. All signs shall be visible and legible throughout the entire period, and shall read as follows:

\*\*\*\*\*

**"NOTICE OF PUBLIC HEARING"**

**“Variance from \_\_\_\_\_ feet to \_\_\_\_\_ feet for \_\_\_\_\_ setback.”**

"Notice is hereby given that the property upon which this sign is posted shall be considered for a change in \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling Community and Development Services at 621-3136. The public hearing is to be held on \_\_\_\_\_ (day of week), \_\_\_\_\_ (month) \_\_ (year), at \_\_\_\_ (time AM), or as soon as possible thereafter. Said hearings to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Name of Proposal:

Project Number:

Date of Posting:

\*\*\*\*\*

9. Signs advertising the variance in Elbert County must be photographed and submitted to the applicant's file in Community and Development Services per the following form:

\*\*\*\*\*

**(ATTACH PHOTO HERE)**

\*\*\*\*\*

The above sign was posted on \_\_\_\_\_, pursuant to the current Elbert County Zoning Regulations by \_\_\_\_\_ (name of applicant).

Project Name and Number:

Signature of Applicant/Representative:

Signed and sworn before me this date:

**NOTARIZED BY:**

**Project Review:**

\*\*\*\*\*

Further requirements include:

- a. Notarized affidavit verifying the date of the sign posting required at least thirty (30) days prior to the Board of Adjustments hearing date.
  - b. This affidavit must be submitted to Community and Development Services at least twenty-four (24) days prior to the Board of Adjustments hearing date.
- 10 As part of the variance process, all work on the structure(s) involved must cease immediately. Failure to stop building will result in an automatic denial of the variance.
11. Appeals of the Board of Adjustments shall be reviewed by the Board of County Commissioners. Any party wishing to appeal any decision made by the Board of Adjustments shall file their objections in writing, setting forth in detail their specific objections(s) within fifteen (15) days of the Board of Adjustments' decision.

#### E. ADMINISTRATIVE VARIANCE

The Community and Development Services Director, or person designated from Community and Development Services by the Community and Development Services Director, shall have the ability to grant an Administrative Variance.

Per Resolution 94-252, approved December 21, 1994, the Administrative Variance provisions shall be invoked only in cases where the applicant can demonstrate that their request is minor in nature and meets the threshold/criteria established below and within Part I, Section 3 (E).

1. The Community and Development Services director may grant an Administrative Variance, upon prior approval by the Board of County Commissioners, for those items listed in Part I, Section 3(B)(1)a, et seq., where the total encroachment/adjustment does not exceed 15%. If the Board of County Commissioners recommends that an applicant proceed through the discretionary variance process, this Administrative Variance procedure shall not be used.
  2. A decision by the Community and Development Services director to deny such Administrative Variance request may be appealed to the Board of Adjustments in accordance with Part I, Section 3(E)(g) of the Zoning Regulations.
1. Procedure
  - a. The applicant shall discuss the variance request informally with Community and Development Services to learn what materials and what steps are necessary for the application:
  - b. A formal application shall be submitted to Community and Development Services and shall consist of the following:
    - 1) Completed application form.



- 2) Proof of ownership of the land on which the appeal is requested.
  - 3) Application fee - see current fee schedule.
  - 4) A site plan indicating what the variance is and where it will be on the affected property. Such plan shall be drawn to scale and include the height and setbacks of all existing and proposed structures.
  - 5) Any other information Community and Development Services may deem necessary.
- c. Community and Development Services shall review the variance application and conduct a site inspection within ten (10) working days.
  - d. Upon receiving notification by Community and Development Services that the application is complete, the applicant shall mail the following notice by certified return receipt mail to owners of property adjacent to, and within five hundred (500) feet, of the property and to the mineral right's owners and lessees and easement holders, as shown in the records of the Office of the Elbert County Assessor. The notice shall be mailed at least fifteen (15) days prior to the action date.
  - e. As part of the administrative variance process, all work on the structure(s) involved must cease immediately. Failure to stop building will result in an automatic denial of the administrative variance.

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**"NOTICE OF PUBLIC HEARING BEFORE THE ADMINISTRATIVE VARIANCE HEARING OFFICER"**

**"Variance from \_\_\_ feet to \_\_\_\_\_ feet for \_\_\_\_\_ setback."**

"Notice is hereby given that on \_\_\_\_\_ (day of week), \_\_\_\_\_ (month) \_\_\_\_ (year), at \_\_\_\_ (time A.M./P.M.), or as soon as possible thereafter, the Community and Development Services Director will act upon the Administrative Variance application on file with the Elbert County Community and Development Services, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 621-3136, by \_\_\_\_\_ (name of applicant) for a Variance pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately \_\_\_\_\_ (distance and direction from nearest major intersection. Any comments must be submitted in writing to the Elbert County Community and Development Services, P.O. Box 7, Kiowa, CO 80117, by \_\_\_\_\_ (date)."

Project Name and Number: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Reason for Variance: \_\_\_\_\_

Date of Application: \_\_\_\_\_

\*\*\*\*\*

- e. At least five (5) days prior to the action date the applicant shall submit to Community and Development Services:
  - 1) The white postal receipts from the notices mailed.
  - 2) A copy of the notice mailed.
  - 3) An alphabetical list and a map illustrating the location and proximity of owners of property adjacent to, and within five hundred (500) feet of the property under consideration.

- f. On the action date a public hearing will be conducted by a designated Administrative Variance Hearing Officer and a Secretary.
- g. By the action date the applicant must submit to Community and Development Services the green postal receipts.
- h. Any party wishing to object to the decision made by the Community and Development Services Director, or designated Administrative Variance Hearing Officer, shall file their objection(s) within fifteen (15) days from the action date to Community and Development Services. The letter of appeal will be submitted to the Board of County Commissioners at their first available scheduled meeting after receipt of the letter. The Board of County Commissioners will consider the appeal and make a decision based on their best judgment.

**PART I, SECTION 4: AMENDMENTS TO THE ELBERT COUNTY ZONING REGULATIONS**

**A. INTENT**

Amendment shall mean a revision to the Elbert County Zoning Regulations. Amendment requests may be initiated, in writing, by the Board of County Commissioners, the Planning Commission, the Board of Adjustments or Community and Development Services.

**B. PROCEDURE**

1. Community and Development Services shall be responsible for processing all amendment requests.
2. Any amendment(s) proposed shall be submitted to the Planning Commission for its review and recommendation prior to any action at a public hearing by the Board of County Commissioners.
3. In addition to amendments processed throughout the year, Community and Development Services shall review the Zoning Regulations once a year to determine appropriate amendments as necessary.

**C. PROCESSING**

1. Community and Development Services, following a recommendation by the Planning Commission, shall submit the proposed amendment(s), in writing, and shall schedule a public hearing before the Board of County Commissioners subject to the required Notice of Hearing outlined in Subsection D of this Section 4.
2. If the proposed amendment(s) is(are) approved by the Board of County Commissioners, it shall become effective on that date. A certified copy of the regulation containing the text of the amendment shall be forwarded to the Planning Commission Secretary.
3. Community and Development Services shall insert said amendment in all official copies of the Zoning Regulations of Elbert County.

**D. NOTICE OF HEARING**

1. At least thirty (30) days notice of the time and place of public hearing before the Board of County Commissioners shall be given in at least one (1) publication of a newspaper of general circulation in Elbert County. The notice shall read as follows:

\*\*\*\*\*

**"NOTICE OF PUBLIC HEARING"**

**"Notice is hereby given that on \_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_\_(year), at \_\_\_\_\_(time A.M.), or as soon as possible thereafter, in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as this hearing may be adjourned, a public hearing will be held for a proposed amendment to the Elbert County Zoning Regulations on file with the Elbert County Community and Development Services, 215 Comanche Street, Kiowa, Colorado 80117, Telephone: 621-3136."**

**Date of Application:** \_\_\_\_\_

**Date of Publication :**

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## **PART I, SECTION 5:**

## **NONCONFORMING USES**

### **A. NONCONFORMING LOTS**

1. In any areas in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot which was of record before these regulations were adopted or amended. This provision shall apply even though such lots fail to meet the requirements for area, width, or both, that are applicable in the given area. However, all minimum yard requirements shall conform to the provisions within these regulations and amendments for the area.

### **B. NONCONFORMING USES OF LAND**

A use of land which was lawful before these regulations were adopted or amended may continue to exist even though the use would be prohibited, regulated or restricted under the provisions of these Regulations and amendments, subject to the following provisions:

1. Such nonconforming use of land shall not be enlarged, expanded, extended, increased nor moved to occupy an area of land which was not occupied before these Regulations were adopted or amended.
2. If any such nonconforming use of land is discontinued for any reason for a period of more than six (6) months, a subsequent use of such land shall conform to the provisions of these regulations and amendments.
3. Any additional structures shall conform to the Elbert County Zoning Regulations and amendments.

### **C. NONCONFORMING STRUCTURES**

A structure which was lawful before the Elbert County Zoning Regulations were adopted or amended, may continue to exist, even though the structure would be prohibited, regulated or restricted under the provisions of these regulations or amendments, subject to the following provisions:

1. Such nonconforming structures shall not be enlarged or altered in a manner which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structures, or positions thereof, be damaged or destroyed by any means, or declared unsafe by the County Building Department to an extent of more than fifty percent (50%) of the original structure, it shall not be reconstructed except in conformity with the Regulations of the Elbert County Building Department. If reconstruction of the building does not exceed fifty percent (50%) of the original structure, the structure may be strengthened or restored to a safe condition provided the original nonconformity is not enlarged, increased or extended and the construction is commenced within ninety (90) days, providing the new building complies to the UBC.

### 3. Historic Buildings

Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of the Uniform Building Code when authorized by the Building Official, provided:

- a. The building or structure has been designed by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.
  - b. Any unsafe conditions as described in the Uniform Building Code are corrected.
  - c. The restored building or structure will be no more hazardous based on life safety, fire safety and sanitation than the existing building.
4. Should such nonconforming structures be moved for any reason for any distance whatsoever, it shall conform to the provisions of the zoning area in which it is located after the move.

### D. NONCONFORMING USES OF STRUCTURES

A use of structures which was lawful before these regulations were adopted or amended, may continue to exist even though the use would be prohibited, regulated or restricted under the provisions of these regulations or amendments, subject to the following provisions:

1. Existing structures devoted to a nonconforming use shall not be enlarged, expanded, extended nor altered to accommodate nonconforming uses or other uses not allowed in the zoning area in which the structure is located.
2. A nonconforming use may be extended throughout the same structure if no structural alteration of such structure is proposed or made for the purpose of such an extension, provided a conforming use is not displaced.
3. If a permitted use supersedes a nonconforming use in all or part of an area in a structure, that area shall thereafter conform to the provisions of the Elbert County Zoning Regulations and Amendments.
4. When a nonconforming use of a structure is discontinued or abandoned for six (6) months, any subsequent use of such structure shall conform to the provisions of the Elbert County Zoning Regulations and Amendments.
5. All buildings or structures regulated by the Uniform Building Code which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment, is for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are

supported by, attached to, or a part of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the Uniform Building Code, are hereby designated as unsafe building appendages. All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth below.

E. TERMINATION OF NONCONFORMING USES

The Board of County Commissioners may require the termination of a nonconforming use, subject to the following provisions:

1. The Board of County Commissioners may initiate a public hearing through Community and Development Services on their own or upon the recommendation of the Planning Commission and/or Board of Adjustments.
2. Community and Development Services shall schedule meetings before the Planning Commission and/or the Board of Adjustments and the Board of County Commissioners.
3. At least thirty (30) days prior to the Board of County Commissioners hearing, a notice of public hearing will be published by the County in at least one (1) issue of a newspaper of general circulation in Elbert County, Colorado. Said notice shall read as follows:

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**"NOTICE OF PUBLIC HEARING"**

"Notice is hereby given that on \_\_\_\_\_ (day of week), \_\_\_\_\_ (month) \_\_\_\_\_ (year), at \_\_\_\_\_ (time A.M.), or as soon as possible thereafter, in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as this hearing may be adjourned, a public hearing will be heard upon the application on file with the Elbert County Community and Development Services, 215 Comanche Street, Kiowa, Colorado, 80117, Telephone: 621-3136, for a proposed termination of nonconforming use located approximately, \_\_\_\_\_ (distance and direction from nearest major intersection)."

**Legal Description:** \_\_\_\_\_

**Published In:** \_\_\_\_\_ (name of newspaper),  
\_\_\_\_\_ (date of Publication).

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4. At least fourteen (14) days prior to the public hearing before the Board of County Commissioners, Community and Development Services shall mail a notice of said hearing by Certified Mail, Return Receipt Requested to the property owner of affected property and owners of property adjacent to, and within five hundred (500) feet of the property under consideration as shown in the records of the Office of the Elbert County Assessor.

5. Community and Development Services shall notify the affected property owner, in writing, within ten (10) working days of the Board of County Commissioners hearing, stating the action on the proposed termination of use.
6. If the proposed termination of a nonconforming use is approved by the Board of County Commissioners, the said use may be continued for a period of time, to be determined at the hearing, but not to exceed two (2) years from the date of approval, after which time the said nonconforming use shall cease.



## **PART I, SECTION 6:**

## **REZONING PROCEDURES AND REQUIREMENTS**

### **A. INTENT**

To provide for the orderly, well-informed, properly planned transition of historic land uses within Elbert County to those deemed more desirable or necessary to accommodate residential, commercial, business and industrial growth for the present and future citizens of Elbert County.

### **B. REZONING PROCEDURE AND SUBMITTAL REQUIREMENTS**

Rezoning shall mean a revision to the zoning. Rezoning requests which do not incorporate within them a proposed use or uses, shall not be considered by the County due to lack of important planning data such as water availability, traffic impacts and environmental considerations. Rezoning applications involving 8 or more lots shall be considered only as a PUD and are subject to Elbert County Site Design Standards. Elbert County Site Design Standards are included within the Elbert County Zoning Regulations. (Included in Part II Section 16). Rezoning requests may be initiated by the Board of County Commissioners, Planning Commission, Board of Adjustments or the owner of the parcel of land in question.

#### **1. REZONING REVIEW PROCEDURE**

The following steps shall be involved in a rezone review process:

- a. Pre-Application Meeting – This process was developed to improve communication between the applicant and County staff. The intended result is a more efficient application review process. Community & Development Services should be contacted for submittal requirements. A Case Planner will be assigned after the Pre-Application Meeting is held.
- b. Community Meeting - Applicants are required to conduct a community meeting prior to submitting a formal rezoning application. This meeting must be conducted in the general vicinity of the property involved in the rezoning application and serves to provide a forum for information exchange between applicants and citizens. By conducting the community meeting prior to the formal application submittal, it is anticipated that applicants will be able to address community concerns and incorporate community input in the formal application. The presentation at the community meeting is the responsibility of the applicant. The Case Planner will attend the meeting to address procedural matters only. The applicant will be responsible for notifying adjacent property owners within 1,320 feet of the subject property boundary at least fourteen (14) days prior to the community meeting. The subject property must be posted a minimum of ten (10) days prior to the community meeting to inform citizens in the immediate area of the community meeting. Signage location, format, and language will be provided to the applicant by Community & Development Services.

- c. Two Copy Submittal – Applicants shall meet with the assigned Case Planner to submit two copies of each item that is required to be submitted for the formal application. The Case Planner will conduct a review of the information to check for completeness and adequacy. Once the Case Planner determines that the items are complete and adequate, the applicant may proceed with the formal rezoning application submittal.
- d. Formal Rezoning Application Submittal – The applicant shall submit the completed application, fees, and required support documents in quantities identified by the Case Planner. The Case Planner will review the submittal package for completeness. A submittal package that is not complete in terms of type, quantity, and adequacy of required documents will not be accepted for review. The Case Planner will refer the application and support documents to County Departments and other referral agencies as identified by the Case Planner.
- e. County and Referral Agency Response – The referral agencies will respond in writing to the applicant’s submittal. The Case Planner will collect all referral comments.
- f. Provide Comments to the Applicant – A summary of staff comments inclusive of other departments and agency responses will be forwarded to the applicant. A meeting between the Case Planner and the applicant may be held to review the referral responses. The applicant may also meet directly with the agency or agencies that have expressed concerns with the application. The Case Planner should be included in any meetings with referral agencies.
- g. Applicant Responds to Comments – The applicant shall address, in writing, all issues and deficiencies identified by the Case Planner, any other County departments, and any referral agency. To continue the process in a timely manner, the applicant must complete the requested revisions and resubmit appropriate documents for a second review by the Case Planner, other County departments, and any applicable outside agencies as quickly as possible. If there is no written response to staff comments within sixty (60) calendar days after referral comments are provided to the applicant, the application will be considered withdrawn and the application fees forfeited. The applicant will then need to file a new application with the required fees and documents. The Community & Development Services Director may extend this sixty (60) day maximum response deadline for an additional sixty (60) day period, upon written request by the applicant, if, in his or her opinion the delay in response is justifiable. Any additional time required for the response deadline, beyond that granted by the Community & Development Services Director, shall require approval by the Board of County Commissioners.
- h. Staff Review of Revised Submittal and Pre-Hearing Meeting – At the time of re-submittal of the revised information, the applicant may arrange a pre-hearing meeting with the Case Planner. The pre-hearing meeting is an opportunity for the applicant to receive additional input and explore alternatives with the Case Planner.

This input may include re-stating the already established position of staff in regard to the proposal and/or a discussion of steps involved in completing the proposal. Additional review fees may be charged for re-submittals that do not address previously red-marked prints, comments, and recommendations. Additional fees may also be charged for re-submittals that include new changes that are not in response to staff or referral agency red-marked prints, comments, and recommendations. If there is no written response by the applicant within sixty (60) calendar days of the date that the applicant was forwarded staff comments, the application will be considered withdrawn and the application fees forfeited. The applicant will then need to file a new application with the required fees and documents. The Community & Development Services Director may extend this sixty (60) day maximum response deadline for an additional sixty (60) day period, upon written request by the applicant, if, in his or her opinion the delay in response is justifiable.

- i. Public Hearing Documents Submittal – At such time as the Case Planner deems the application ready for public hearings, or the applicant advises the Case Planner in writing that no further revisions will be made, and the applicant desires to proceed to the Planning Commission and Board of County Commissioners’ public hearings, the applicant shall submit all documents requested by Case Planner necessary for the public hearings.
- j. Planning Commission and Board of County Commissioners’ Public Hearings Scheduled – Following the submittal of all required public hearing documents, the Case Planner will schedule Planning Commission and Board of County Commissioners’ public hearing dates and notify the applicant in writing of the assigned dates. The Board of County Commissioners public hearing shall be a minimum of 21 days after Planning Commission recommendation.
- k. Public Hearing Notification – The applicant will be responsible for preparing and posting the “Notice of Public Hearing” sign on the subject property, preparing and publishing the “Notice of Public Hearing” in a newspaper of general circulation, and mailing the “Notification of Adjacent Property Owners” letters, per the requirements of Part I, Section 6, “Rezoning Procedures and Requirements” section of these regulations.
- l. Planning Commission Public Hearing – The Planning Commission shall review the request, staff report, other evidence, and public testimony. The Planning Commission shall recommend approval, conditional approval, or denial of the rezoning to the Board of County Commissioners. The Planning Commission may continue a request for a period of time not to exceed six (6) months from the completion of the presentation by the applicant at a public hearing.
- m. Board of County Commissioners’ Public Hearing – The Board of County Commissioners shall review the request, staff report, other evidence, and public testimony at one or more public hearings. Upon conclusion of the presentation of testimony and evidence in the hearing(s) before the Board of County

Commissioners, the Board may render a decision which approves, conditionally approvals, or denies the rezoning application; unless the Board continues the case for further testimony and/or decision for a period of time not to exceed six (6) months from the date of the scheduled hearing.

- n      Recordation of the Rezone Exhibit – Not more than one hundred eighty (180) days after approval of the Zoning change, the applicant shall **complete the “conditions of approval.”** for recording. The mylars will include a sign-off for Elbert County Engineering, Community Development Services, Planning Commission, Board of County Commissioners and Elbert County Clerk & Recorder. If the plat is not ready for sign-off within the one hundred eighty (180) day period, the Zoning change approval shall automatically be rescinded as of the last day of the one hundred eighty (180) day period.

If the Zoning change will not be ready for recording within the one hundred eighty (180) day period, the applicant may make written request, (prior to the 180<sup>th</sup> day), to the Director of Community & Development Services for an extension of ninety (90) days in which to satisfy / complete the “conditions of approval” for recording, showing good and just cause for the need of said extension. If granted, the applicant shall have an additional ninety (90) day period in which to complete the “conditions of approval.”

If the “conditions of approval” are not completed for recording during the ninety (90) day extension period, the Zoning change approval shall automatically be rescinded as of the last day of the extension period. **(270<sup>th</sup> day)**

Upon written request within thirty [ 30 ] days of the expiration date by the applicant, the Board of County Commissioners may reinstate the Zoning change, however, the Zoning change **will now be subject to a reinstatement fee equal to at least one half the original “BASE” fee and concurrence with any Master Plan updates and regulation updates that may have occurred since the project was initiated.**

The applicant, at this point, shall be required to resubmit the Zoning change to the Planning Commission and Board of County Commissioners for approval at duly noticed public hearings. Written justification for failure to complete the “conditions of approval,” must accompany the resubmitted Zoning change, and will be taken into account at the hearings. Following expiration of the reinstatement period, only a new application and new fees would be accepted for processing.

## 2. SUBMITTAL REQUIREMENTS

The following materials shall be submitted for Rezoning applications. Initially, two hard copies and one digital copy of each document shall be submitted by the applicant for review by Community & Development Services. At such time as the documents are deemed adequate by the reviewing Case Planner, additional copies will be requested by the assigned Case Planner. The Director of Community & Development Services (Planning Director) may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

- a. Land Use Application Packet
  - Completed application form (provided by Community & Development Services) with original signatures and notary public seal.
  - Cover Letter – Which includes the name, address, and phone number of the property owner and representative; and a brief description of the proposal.
  - Disclosure Letter (provided by Community & Development Services) with original signatures and notary public seal
  - Application Agreement Form (provided by Community & Development Services) with original signature from the applicant or the applicant's authorized representative.
  - Statement of Taxes – Proof of taxes current as of land use application submittal date.
- b. Proof of ownership – copy of a recorded deed or title policy
- c. Fees – The application submittal must be accompanied by the appropriate fees. The costs of consultant and referral agency review are the responsibility of the applicant. The County will require payment of County consultant review fees, based upon estimated consultant review costs, at the time of application. These costs are in addition to the application fees.
- d. Development Guide (**For PUD Zoning only**) – (see Part II, Section 16 Planned Unit Development Zone District-PUD)
- e. Rezone Exhibit – All sheets shall be in 24" X 36" format. The following information and standards shall apply to the Rezone Exhibit:
  1. A margin, at least 1" on all sides, except the left-hand margin shall be a minimum of 2";
  2. The name of the Rezone Exhibit, centered on the upper portion of each sheet;

3. The sheet number in the lower right hand corner of each sheet (Sheet 1 of \_\_\_\_\_);
4. Case #\_\_\_\_\_ in the upper right corner of each sheet;
5. Rezone Exhibit notes and information shall be included on the first sheet of the Rezone Exhibit, with lettering being a minimum font size of 12 point. (Note: For processing purposes, the textual information may be prepared on 8 1/2 “ X 11” paper format);
6. Legal Description - A legal description of the property designated as a lot, block, or tract on a recorded plat or a metes and bounds description;
7. Vicinity Map – Vicinity map shall be provided that locates the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, major roads within 2 miles of the subject property and the proposed access to the property;
8. Names, addresses, and phone number of owner, representative, and individual/firm preparing the document;
9. Site Plan – Shall include information regarding the layout of proposed land use areas; buildable and non-buildable areas, hazard areas, open space, easements (indicate Reception # and Book Number and Page Number, if applicable), etc.;
10. The following signature blocks shall be included on the Rezone Exhibit:

### **Community and Development Services**

This Rezone Exhibit was reviewed and approved by Community and Development Services on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_, A.D.

\_\_\_\_\_  
Community and Development Services Director

### **Planning Commission**

This Rezone was reviewed by and recommended for approval by the Elbert County Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_, A.D.

\_\_\_\_\_  
Chairman, Planning Commission

### **Board of County Commissioners**

This Rezone was reviewed and approved by the Elbert County Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_, A.D.

\_\_\_\_\_  
Chairman, Board of County Commissioners

### **Clerk and Recorder's Certificate**

I hereby certify this Rezone Exhibit was filed in my office on this day of \_\_\_\_\_, in the year \_\_\_\_\_, A.D. at \_\_\_\_\_ A.M. / P.M. and was recorded at Reception Number \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Recorder

### **Owner's Certificate:**

(Use the appropriate certificate for an individual owner, multiple owners, or corporation)

(Individual)

I, \_\_\_\_\_, as owner of the land affected by this Rezoning, accept and approve all conditions set forth herein.

Owner: \_\_\_\_\_

Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

**(Multiple Owners)**

We, \_\_\_\_\_ and \_\_\_\_\_, as owners of the land affected by this Rezoning, accept and approve all conditions set forth herein.

Owners: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

**(Corporation)**

\_\_\_\_\_, as owner of the land affected by this Rezoning, accept and approve all conditions set forth herein.

\_\_\_\_\_ as president of \_\_\_\_\_  
(Name Printed) \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_

\_\_\_\_\_ as secretary of \_\_\_\_\_  
(Name Printed) \_\_\_\_\_  
(Signature)

Date: \_\_\_\_\_



NOTARY PUBLIC:

County of \_\_\_\_\_ )  
 ) ss  
State of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

WITNESS my hand and official seal  
My commission expires: \_\_\_\_\_

11. Standard Flexibility Statement (to be included on the first page of the Rezone Exhibit):

“The graphic drawings contained within this Rezone Exhibit are intended to depict general locations and illustrate concepts of the textual provisions of this Planned Unit Development. During the platting process the Community & Development Services Director may allow minor variations for the purpose of establishing:

1. Final road alignments
2. Final configuration of lot and tract sizes and shapes
3. Final building envelopes
4. Final access and parking locations
5. Landscape adjustments”

12. Applicability Statement (to be included on the first page of Zoning Exhibit):

“Except as expressly provided otherwise on this Rezone Exhibit, development of this property shall conform to the Elbert County Zoning Regulations in effect at the time of final plat recordation.”

13. North Arrow and Scale – North arrows shall be indicated on the Rezoning Exhibit site plan and the location map. In addition, the scale shall be indicated and a bar scale provided for the site plan.
14. Existing zoning, land uses, and owner’s name and addresses shall be indicated for adjacent properties.

15. Existing easements shall be shown on the site plan with reception # and book and page reference, their use, and whether or not the easement will remain on the subject property.
  16. All existing structures on the subject property shall be shown with setbacks from the property line with a note indicating as to whether or not the structures will remain on the subject property.
  17. Topography of the site shall be shown at ten (10) foot contour intervals. Areas of twenty percent (20%) slope or greater shall be noted.
  18. Access to the site from a dedicated County right-of-way shall be shown graphically. Internal vehicular and pedestrian circulation shall be shown with right-of-way and trail widths indicated.
  19. All natural and man-made water courses, detention areas, streams/creeks, and lakes shall be shown. Any 100-year flood plains affecting the property shall be indicated.
  20. All adjacent land owned by the applicant or owned by an entity that the applicant is a party to, that is not a part of the application, shall be noted and a note indicating the current and intended use of the land shall be included.
  21. No-build areas that restrict building in hazardous areas shall be indicated.
  22. Significant treed areas on the subject property shall be indicated.
- f. Proof of Water – A written statement shall be provided from an existing water district or proof that an adequate water supply is dedicated for the proposed uses that meet all County and State requirements.
  - g. Proof of Sanitary Sewer – A written statement shall be provided from an existing sanitary sewer provider or proof that an adequate system will be developed for sanitary sewer treatment that meets all Elbert County Environmental Health Department, Elbert County Engineer, and State requirements. Proposed individual Septic Provisions must meet the recommendations of the Elbert County Master Plan.
  - h. Drainage Report – At a minimum, a Phase I Drainage Report, in compliance with the Elbert County Construction Standards and Specifications Manual shall be submitted, if the County Engineer deems the report necessary.
  - i. Geologic Report – If the subject property is located within an area that contains expansive soils or other geologic hazards, a geologic report may be required by the County Engineer or Colorado Geologic Survey.

- j. Traffic Study – A traffic study may be required for developments, subject to determination by the Elbert County Road & Bridge Department or the County Engineer.
- k. Additional Requirements – In certain circumstances, additional information may be necessary to fully evaluate the rezoning request. The applicant will be informed of any additional requirements during the review process.

No hearing dates will be scheduled for an applicant if it is discovered that fees or taxes are owed to the County or a to County contracted reviewing agency during review of the application. Any fees or taxes owed by the applicant, or by an LLC the applicant is a party to, must be paid in full before hearing dates will be scheduled.

#### General Considerations for Every Application

In addition to the specific minimum design standards set forth herein, and as discussed in the Elbert County Master Plan, all applications will be reviewed based on over-arching considerations as to suitability and supportability in the communities/areas where the application is proposed. For example:

1. Is the application suitable for the community/area in which it is proposed?

In reviewing how the application will impact the community/area in which it is proposed the general types of issues to be considered include, for example:

- Density
- Lot Size
- Perimeter Lots
- Population
- Water use
- Water/Sewer
- Open Space
- Agricultural lands

2. Does the community/area in which the application is proposed have the resources to support it?

In reviewing whether the community/area has the necessary resources and infrastructure to support the application, the general types of issues to be considered include, for example:

- Schools
- Roads
- Law Enforcement
- Animal Control
- Fire Protection
- Ambulance Services
- Library Services
- Social Services

#### GENERAL REZONING APPROVAL STANDARDS

The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Planned Unit Development applications:

1. Whether the proposed rezoning complies with the goals and policies of the Elbert County Master Plan.
  2. Whether the proposed rezoning is compatible with surrounding land uses.
  3. Whether the proposed rezoning would adversely impact the provision of public services.
  4. Whether the proposed rezoning would adversely impact the environment.
  5. Whether the proposed rezoning would create traffic congestion or burden the existing road system.
  6. Whether the proposed rezoning will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.
3. Notice of Hearing
    - a. Publication

At least thirty (30) days prior to a public hearing before the Planning Commission, notice of hearing shall be published in a newspaper of general circulation in Elbert County at least once. Publication of said notices shall be the responsibility of the applicant and shall read as follows:

\*\*\*\*\*

## "NOTICE OF PUBLIC HEARING"

### "Rezoning from \_\_\_ to \_\_\_"

"Notice is hereby given that on \_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_\_(year), at \_\_\_\_\_(time A.M./P.M.), or as soon as possible thereafter, a Planning Commission Hearing will be conducted and on \_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_\_(year), at \_\_\_\_\_(time A.M.), or as soon as possible thereafter, a Board of County Commissioners hearing will be conducted. Hearings will be conducted in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado or at such other time and place as these hearings may be adjourned. Public hearings will be heard upon the application on file with the Elbert County Community and Development Services, 215 Comanche (Courthouse Annex), Kiowa, Colorado, 621-3136, by \_\_\_\_\_(name of applicant), for a change in zoning pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately \_\_\_\_\_(distance and direction from nearest major intersection)."

Reason: \_\_\_\_\_

Project Name and Number: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Published In: \_\_\_\_\_(name of newspaper)

\_\_\_\_\_ (date of Publication)

\*\*\*\*\*

\*Publishers affidavit verifying the above publication shall be submitted to Community and Development Services at least five (5) working days prior to the public hearing.

#### b. Sign Posting

The applicant shall also be required to post notice on the property for which the rezoning is requested at least thirty (30) days prior to the day of the public hearing before the Planning Commission. Such notice shall consist of at least one (1) sign facing parallel to each adjacent road right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'); size of letters shall be a minimum of three inches (3") high and such signs shall be erected no further than ten feet (10') beyond the edge of the adjacent right-of-way on posts which shall locate the bottom of the sign no less than three feet (3') above the ground. All signs shall be clearly legible to persons on the adjacent right-of-way and shall be completed and installed in a neat and professional manner. All signs shall be visible and legible throughout the entire period, and shall read as follows:

\*\*\*\*\*

**"NOTICE OF PUBLIC HEARING"**

“Rezoning from \_\_\_\_\_ to \_\_\_\_\_.”

"Notice is hereby given that the property upon which this sign is posted shall be considered for a change in zoning from \_\_\_\_\_ to \_\_\_\_\_ pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling Community and Development Services 621-3136. The Planning Commission hearing is to be held on \_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_ (year), at \_\_\_\_\_(time A.M./P.M.), or as soon as possible thereafter, and a Board of County Commissioners hearing will be conducted and on \_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_ (time), or as soon as possible thereafter. Said hearings are to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Name of Proposal: \_\_\_\_\_

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Further requirements include:

- 1) Notarized affidavit verifying the date of the sign posting required at least thirty (30) days prior to the hearing date.
- 2) This affidavit must be submitted to Community and Development Services at least twenty-four (24) days prior to the Public Hearing date.
- 3) All signs must remain on the property until the final hearing, and must be removed no later than seven (7) days following the final hearing.
- 4) Signs advertising the rezoning of property in Elbert County must be photographed and submitted for the applicant's file in Community and Development Services as per the following form:

\*\*\*\*\*

(ATTACH PHOTO HERE)

\*\*\*\*\*

The above sign was posted on \_\_\_\_\_, pursuant to the current Elbert County Zoning Regulations by \_\_\_\_\_ (name of applicant).

Project Name and Number: \_\_\_\_\_  
Signature of Applicant/Representative: \_\_\_\_\_  
Signed and sworn before me this date: \_\_\_\_\_

NOTARIZED BY:

**Project Review:**

\*\*\*\*\*

- c. Notification of Adjacent Property Owners
- At least thirty (30) days prior to the day of the Public Hearing before the Planning Commission, the applicant shall mail a notice of said hearing by Certified Mail, Return Receipt Requested, to owners of property adjacent to and within five hundred (500) feet of the property under consideration for the rezoning and to the mineral right's owners and lessees and easement holders, as shown in the records of the Office of the Elbert County Assessor. When owners of property adjacent to and within five hundred (500) feet of the property under consideration for rezoning are related to, or a business associate of the applicant, the applicant shall then notify by return, receipt mail all property owners in closest proximity north and south and east and west that are not related to, or a business associate of, the applicant.

- 1) At least twenty-four (24) days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to Community and Development Services the following: The white postal receipts for Certified Mail mailed to the adjacent property owners and the property owners within five hundred (500) feet of the proposed site as required by these Rezoning Procedures and Requirements; a copy of the note mailed to said property owners; A list, in alphabetical order, of the adjacent property owners and a map illustrating the location and proximity of the adjacent property owners and property owners within five hundred (500) feet of the proposed site.
- 2) At least five (5) working days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to Community and Development Services, the green postal Domestic Return Receipts mailed to the adjacent property owners and property owners within five hundred (500) feet of the proposed site as required by these Rezoning Procedures and Requirements.

C. A-1 REZONING PROCEDURE (Exemptions from the Regular Rezoning Process)

1. Required Submittal Information for A-1 Rezoning: Applicants shall provide such information as deemed necessary by Community and Development Services. Such information shall include, but not be limited to:
  - a. Proof of ownership: Copy of deed, title policy or other sufficient information.
  - b. Comment on the adequacy of emergency access from the fire district: May be a letter from the appropriate fire district acknowledging the access.
  - c. Proof of a weed control and grazing plan: May be addressed in the Covenants or submitted separately to Community and Development Services.
  - d. A road permit will be required for any Rezoning which creates two (2) or more parcels accessing the same drive. The road permit procedures will be followed as provided by the Elbert County Road and Bridge Department.
  - e. A Land Survey Plat submitted in accord with the rezoning Plan Exhibit requirements in Part I, Section 6, B, 1, b, 4) of the Elbert County Zoning Regulations. Signatures shall be provided prior to recordation.
  - f. Fee: See current fee schedule.
  - g. A rezone narrative submitted in accord with the rezoning narrative requirements in Part I, Section 6, B, 1, b, 1) of these Regulations.
2. Criteria for Approving or Disapproving A and A-1 Rezoning Developments: Community and Development Services shall make written recommendations and findings of fact as to the consistency of the application with A or A-1 rezoning procedures as documented in the Elbert County Zoning Regulations. The applicant may respond to such recommendations and findings.

The Planning Commission, at a duly noticed public hearing, shall consider the recommendations of Community and Development Services in their review of the application.



3. Procedure:

- a. Formal submittal to Community and Development Services, including completed application form, appropriate supplemental information and fee.
- b. Community and Development Services Staff shall review the proposal within five (5) working days to determine the completeness of the application.
- c. At least fourteen (14) days prior to a public hearing before the Planning Commission and Board of County Commissioners, notice of hearing shall be published in a newspaper of general circulation in Elbert County at least once. Publication of said notice shall be the responsibility of the applicant and shall read as follows:

\*\*\*\*\*

**"NOTICE OF PUBLIC HEARING"**

**"Rezoning from \_\_\_ to \_\_\_."**

"Notice is hereby given that a Planning Commission Hearing will be conducted on \_\_\_\_\_(day of week),\_\_\_\_\_(month)\_\_\_\_(time), or as soon as possible thereafter, and a Board of County Commissioners hearing will be conducted and on\_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_ (time), or as soon as possible thereafter, in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as these hearings may be adjourned. Public hearings will be heard upon the application on file with the Elbert County Community and Development Services, 215 Comanche, Courthouse, Kiowa, Colorado, 621-3136, by \_\_\_\_\_(name of applicant), for A or A-1 rezoning pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately\_\_\_\_\_(distance and direction from nearest major intersection) ."

Reason:\_\_\_\_\_

Project Name and Number: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Published In: \_\_\_\_\_ (name of newspaper),  
\_\_\_\_\_ (date of Publication).

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\*Publishers affidavit verifying the above publication shall be submitted to Community and Development Services at least five (5) working days prior to the public hearing.

- d. The applicant shall mail a written notice of said hearing by certified mail, return receipt requested, at least fourteen (14) days prior to the hearing date before the Planning Commission, to the adjoining property owners of the property for which an A to A-1 rezoning has been requested. The names and addresses for those properties affected shall be obtained from the current records of the Elbert County Assessor's Office.

e.

- 1) At least five (5) working days prior to the date of the public hearing before the Planning Commission, the applicant shall submit to Community and Development Services, the following: The white postal receipts for Certified Mail mailed to the adjacent property owners of the proposed site as required by these A or A-1 rezoning procedures and requirements; a copy of the notice mailed to said property owners; a list, in alphabetical order, of the adjacent property owners of the proposed site and a map illustrating the location and proximity of the adjacent property owners. When a notice is mailed to a property owner at an address other than the property adjoining or adjacent to the A-1 development, the applicant shall match notification with lot and block number, legal description or other manner which clearly locates the notified parties.
- 2) The day of the Public Hearing before the Planning Commission, the applicant shall submit to Community and Development Services, the green postal Domestic Return Receipts mailed to the adjacent property owners of the proposed site as required by these A or A-1 rezoning procedures and requirements.

- e. Community and Development Services may require additional public notice prior to any determination by the Planning Commission, in a manner consistent with the laws of the State of Colorado, which may include posting of the property. Such notice shall be posted fourteen (14) days prior to the day of the public hearing before the Planning Commission. Such notice shall consist of at least one (1) sign facing parallel to each adjacent road right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'); size of letters shall be a minimum of three (3) inches high and such signs shall be erected no further than ten (10) feet beyond the edge of the adjacent right-of-way on posts which shall locate the bottom of the sign no less than three (3) feet above the ground. All signs shall be clearly legible to the persons on the adjacent right-of-way and shall be completed and installed in a neat professional manner. All signs shall be visible and legible throughout the entire period and shall read as follows:

\*\*\*\*\*

### "NOTICE OF PUBLIC HEARING"

**"Rezoning from \_\_\_\_\_ to \_\_\_\_\_."**

"Notice is hereby given that the property upon which this sign is posted shall be considered for a change in zoning from \_\_\_\_\_ to \_\_\_\_\_ pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling Community and Development Services 621-3136. The Planning Commission hearing is to be held on \_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_ (year), at \_\_\_\_\_(time A.M./P.M.), or as soon as possible thereafter, and a Board of County Commissioners hearing will be conducted and on \_\_\_\_\_(day of week), \_\_\_\_\_(month) \_\_\_\_ (year), or as soon as possible thereafter. Said hearings are to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Name of Proposal: \_\_\_\_\_

\*\*\*\*\*

Further requirements include:

- 1) Notarized affidavit verifying the date of the sign posting required the day of the hearing.
- 2) Signs advertising the A-1 rezoning property in Elbert County must be photographed and submitted for the applicant's file in Community and Development Services Offices. The following form shall be used:

\*\*\*\*\*

**(ATTACH PHOTO HERE)**

\*\*\*\*\*

The above sign was posted on \_\_\_\_\_, pursuant to the current Elbert County Zoning Regulations by \_\_\_\_\_ (name of applicant).

Project Name and Number: \_\_\_\_\_  
Signature of Applicant/Representative: \_\_\_\_\_  
Signed and sworn before me this date: \_\_\_\_\_

**NOTARIZED BY:**

**Project Review:** \_\_\_\_\_

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4. Following approval by the Board of County Commissioners, the applicant will submit the rezoning exhibit to the Elbert County Clerk and Recorder's Office for recordation.

D. A AND A-1 ZONE DISTRICT LOT LINE ADJUSTMENT PROCESS

The following administrative process will be used for a lot line adjustment where both of the properties are either zoned A and/or A-1 and where both property owners are agreeable to the lot line adjustment affecting both of their properties and where no change in zoning will take place:

1. The Board of County Commissioners will delegate the review and approval of lot line adjustments for properties in the A and/or A-1 zoning districts to an administrative process to be conducted within Community and Development Services.
2. The following specific conditions must be met in order to apply for an administrative lot line adjustment process:
  - a. Both properties are zoned A and/or A-1.
  - b. Both property owners are agreeable to the lot line adjustment affecting both of their properties.
  - c. No change in zoning will take place on either property.
3. The applicant will be responsible for the following documentation and fees.
  - a. Completed Land Use Application for applicable sections, signed by both property owners.
  - b. Narrative which contains:  
description of the lot line adjustment  
reason for the lot line adjustment  
proof of ownership
  - c. Site Plan - prepared according to the rezoning exhibit standards.
  - d. Fee - see current fee schedule.
4. The Elbert County Administrative Hearing Officer will make a determination on the request for an Administrative Lot Line Adjustment after review of submitted documentation and determination of completeness at an Administrative Hearing conducted by Community and Development Services.
5. The applicant will record the Site Plan with the Elbert County Clerk and Recorder within thirty (30) days of Administrative Lot Line Adjustment approval.

## **PART I, SECTION 7:     ENFORCEMENT OF THE ZONING REGULATIONS**

### **A.     INTENT**

The Elbert County Zoning Regulations shall be enforced by the Elbert County Community and Development Services Director and his authorized representative(s) on all matters involving these Regulations. The Community and Development Services Director shall consult with the County Attorney and Building Official and other affected County offices concerned with, but not limited to, the unlawful erection, construction, altering, occupancy or use of any building or structure or land in the unincorporated areas of the County.

### **B.     INSPECTIONS**

The Community and Development Services Director and/or Building Official and their authorized representative(s), are hereby empowered to enter and inspect any building, structure or tract of land in the unincorporated area of the county. When a violation is alleged, the Community and Development Services Director and/or Building Official shall compile, or cause to be compiled, relevant evidence of the alleged violation. Whenever the Community and Development Services Director or Building Official has personal knowledge of any violation hereof, one shall give written notice to the violator to correct such violations.

After appropriate notice(s) has (have) been served by the Community and Development Services Director and/or Building Official, the Community and Development Services Director shall then forward the file, or copy thereof, to the County Attorney for further action. The Community and Development Services Director shall be advised of any actions taken. Any action brought to remedy or prosecute a violation shall be brought in the name of the Board of County Commissioners of Elbert County, Colorado or the People of the State of Colorado. The Board of County Commissioners may authorize the Building Department to withhold issuance of building permits where a violation is found to exist pursuant to CRS, 1973, 30-28-114, as amended.

### **C.     BUILDING PERMITS**

It shall be unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure, including surface and subsurface structures, or to move a structure from one property to another within the unincorporated areas of Elbert County without first obtaining a building permit from the County Building Official or his authorized representative.

The County Building Department shall not issue any building permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conforms to all applicable provisions of these regulations and the Uniform Building Code.

All building permits shall be issued in conformance with the provisions of the Elbert County Zoning Regulations and the Uniform Building Code and shall be valid for a period of time not exceeding one (1) year from the date issued.

D. ZONING INSPECTION

The Community and Development Services Director shall assign the responsibilities for zoning inspections to one or more members of his staff who shall be able to respond to zoning complaints and make regular inspections of properties in Elbert County. The procedure for responding to zoning complaints and processing by the Community and Development Services Director shall be developed by Community and Development Services and then reviewed and approved by the County Attorney.

E. LIABILITY

The Community and Development Services Director and/or Building Official or their authorized representative(s) charged with the enforcement of this code, acting in good faith and without malice in the discharge of his duties, shall not thereby render himself personally liable for any damage that may occur to persons or property as a result of any act or by reason of an act or omission in the discharge of his duties. Any suit brought against the Community and Development Services Director and/or Building Official or employee because of such act or omission performed by him in the enforcement of any provision of this code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings.

This code shall not be construed to relieve or lessen the responsibility of any person owning, operating or controlling any building or structure for any damages to persons or property caused by defects, nor shall the regulation enforcement agency or its parent jurisdiction be held as assuming any such liability by reason of the inspections authorized by this regulation or any certificates of inspection issued under this regulation.

**PART I, SECTION 8:      FEE STRUCTURE FOR LAND USE APPLICATIONS**

**A.      INTENT**

The fees noted below are designed to cover anticipated costs incurred by the County in the review and processing of Land Use applications submitted for consideration.

**B.      PAYMENT**

All fees are payable to the Elbert County Treasurer by cash, check or money order.

**C.      CONDITIONS**

1.      The Board of County Commissioners reserves the right to adjust the fees noted whenever, in its opinion, it is necessary to accomplish a change, subject to public notice of any such change.
2.      All fees paid are non-refundable, with the exception of those requests which are withdrawn or terminated by the applicant, in writing, prior to the scheduling of the formal application to be heard before the Planning Commission or Board of Adjustments.
3.      The fees indicated in this fee schedule shall be paid by all applicants with the exception of Elbert County departments or agencies. The Board of County Commissioners shall determine other exceptions on a case-by-case basis, upon written request of the applicant and submitted through Community and Development Services.
4.      Under no circumstance, except as above noted, will any Land Use Application be receipted for processing without the appropriate fee(s) being paid when fees are required. In the event such checks are returned for insufficient funds, there will be an additional charge required before continuing the processing (see current fee schedule).
5.      A complete Fee Schedule related to development within the County is posted in Community and Development Services. Appropriate county officials will review fee adequacy at six (6) month intervals and present fee adjustment recommendations to the Board of County Commissioners for modification and adoption by resolution. The fee schedule may include, but not necessarily be limited to the following: an effective date, residential rezoning, non-residential rezoning, concept plan, preliminary plat/residential, preliminary plat/non-residential, final plat, vacation(s), special use review, variance procedure, minor development plat, recorded plat amendments and adjustments, administrative adjustments, interpretations of uses not itemized, sign permits, substitution of original improvement security, mineral exploration permits, recording of modified County Regulations, review of other governmental agencies, impact fees, temporary structure/office permits, building permits, inspections, certificates of occupancy, reviews, bonding, etc. All fees will be set at a level to recover costs incurred by the County to accommodate development. Determination of costs will include, but not be limited to: personnel, benefits, administration, equipment, expert consultation, contracted services, mileage, inspections, etc.

6. The County may solicit expert consultation for complex technical issues. The applicant will be advised of estimated costs regarding independent technical services and consultation, and will provide written agreement for County reimbursement or withdraw the application. Such costs will be paid in full by the applicant at the time of application submittal. ~~prior to the next applicable public hearing.~~ The applicant will provide the Community and Development Services Director a signed and dated Application Agreement Form.



## **PART II, SECTION 1:     GENERAL REQUIREMENTS AND EXCEPTIONS**

### **A.     INTENT**

General requirements and exceptions shall provide for special case considerations applicable to these regulations.

### **B.     MINIMUM AREA AND WIDTH OF LOTS**

1.     No part of the area or width of a lot required for the purpose of complying with the provisions of these regulations shall be included as part of the area or width required for another lot.
2.     The minimum area and width limitations in these regulations shall not apply to utility service facilities. Area and width limitations for major facilities of a public utility shall be addressed in the Use by Special Review procedure contained in Part II, Section 18, of these Regulations.

### **C.     MINIMUM YARDS**

1.     Cornices, canopies, eaves, fireplaces, wing walls or similar architectural features may extend into a required yard not more than three (3) feet.
2.     Fire escapes may extend into a required yard not more than six (6) feet.
3.     Open, unenclosed uncovered porches at ground level may extend into a required front or rear yard set back not more than six feet (6'). All side yard requirements must be met.
4.     Open unenclosed, uncovered, patios, decks and porches greater than four (4) feet above ground level shall not extend into a required front or rear yard set back more than three (3) feet. All side yard requirements must be met.
5.     The side yard along the street side of a reverse corner lot shall be not less than the front yard requirements for the district in which the lot is located.
6.     No part of a yard required for a building for the purpose of complying with the provisions of these regulations shall be included as part of a yard of another building.
7.     For the purpose of these regulations, the minimum yard along all Federal, State and major County arterial highways shall not be less than one hundred (100) feet or one hundred fifty (150) feet from centerline, whichever is greater, as approved by the County. Where this requirement may conflict with a yard otherwise in a district, the larger yard shall be required.
8.     Minimum lot and yard standards are not to be applied to utility service facilities or to major facilities of a public utility.

#### D. MAXIMUM HEIGHT OF BUILDINGS

1. The height limitations of these regulations shall not apply to church spires, belfries, cupolas, penthouses or domes not used for human occupancy, to chimneys ventilators, skylights, water tanks, silos, parapet walls, cornices without windows, antennas, utility poles and necessary mechanical appurtenances usually carried above the roof level.
2. It shall be unlawful to construct, build, establish or continue to maintain any building, tree, smoke stack, chimney, flag pole, wires, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and takeoff of air craft at a publicly used airport under the regulations of the appropriate United States Civil Aeronautics Authority.
3. All dwellings and structures shall be constructed in accordance with all applicable County regulations and the Uniform Building Code.
4. Underground housing may be allowed subject to meeting all applicable County regulations and site plan approval. No underground construction shall be allowed to encroach within designated easements or required setbacks from adjoining property lines without County approval.

#### E. FENCES, HEDGES AND WALLS

The fence, hedge and wall limitations contained in the regulations shall not apply to utility service facilities where a higher fence, hedge or wall is required for reasons of safety or screening. Fence, hedge or wall requirements for major facilities of a public utility shall be addressed in the Use by Special Review procedure within these regulations.

#### F. MINIMUM LIVING AREAS

Minimum living areas within residential zoning areas shall be as follows:

- |    |                          |                  |
|----|--------------------------|------------------|
| 1. | In single family zones   | 700 square feet. |
| 2. | In multiple family zones | 450 square feet. |

## **PART II, SECTION 2:**

## **A - AGRICULTURE**

### **A. INTENT**

Allowing for areas including open space, forests, general farming, ranching and agriculturally related uses to continue the social and economic values of agricultural land. Uses shall have no detrimental effects on soil stability or ground water supplies and shall not change the runoff characteristics of said land.

### **B. USES PERMITTED BY RIGHT**

1. Accessory uses and building.
2. Agriculture recreational uses.
3. Antennas - Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communications system uses. These antenna support structures shall be located on the property so that if the antenna or antenna support structures fall it will be within the property boundaries. In any case the height shall not exceed 75 feet.
4. Farming, ranching, forestry (tree) farming, gardening, greenhouses and plant nurseries and buildings pertaining thereto.
5. Home occupation.
6. Household pets.
7. Horse breeding and boarding, not to exceed 10 animal units.
8. Microwave dishes without towers.
9. Open space, including playgrounds and parks.
10. Private kennels.
11. Single-family dwelling, excluding mobile homes.
12. Storage of one (1) mobile home once proper permit is acquired from Community and Development Services.
13. Temporary residences. Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
14. Utility Service Facilities.

15. Wind generators - Privately owned (setbacks from property would be height of generator plus twenty-five [25] feet or a minimum of one hundred [100] feet).

#### C. USES PERMITTED BY SPECIAL REVIEW

1. Airstrips, airports, heliports and aircraft related facilities.
2. Animal Shelter - All recommendations of the Colorado Department of Agriculture, Planning Commission or other appropriate agencies shall be complied with regarding feed, water, shelter, confinement, exercise and health care unless specifically waived by the Planning Commission and Board of County Commissioners of Elbert County.
3. Antenna support structures in height category of 75.01 to 120.00 feet shall be subject to an “Administrative Special Use Review” as detailed in Part II, Section 17.
4. Antenna support structures in height category of 120.01 or more feet shall be subject to a “Special Use Review” as detailed in Part II, Section 17.
5. Automobile storage and salvage with a minimum requirement of a solid fence and landscaping.
6. Batch plants for concrete, asphalt, mortar, etc.
7. Bird Foundation and Rescue.
8. Boarding stables.
9. Cellular Communications Facilities (see Part II, Section 17 – Uses Permitted by Special Review).
10. Cemeteries.
11. Churches.
12. Commercial Feed Yards/Lots: Provided that such uses are located at least five hundred (500) feet from all property lines and comply with State and Federal Regulations as to runoff, stream pollution and confined animal feed operations.
13. Commercial Fur Farms.
14. Commercial Kennels.
15. Commercial Poultry Farms.
16. Exotic animals.
17. Fire Stations (see Resolution 99-19).

18. Firing/shooting ranges.
19. Group homes.
20. Horse breeding and boarding in excess of 10 animal units.
21. Large Private Kennel.
22. Major facilities of a public utility.
23. Mining activities, mining quarries, sand and gravel operations, oil drilling and oil and gas exploration.
24. Mobile home as a residence for the owner, lessee, or operator of an operating agricultural unit. Also a second residence or caretaker residence for an operating agricultural unit of at least one hundred sixty (160) contiguous acres. No mobile home certified as being constructed prior to June 1976 will be permitted into Elbert County. Any used Factory-built housing unit constructed after June 1976 wanting to be brought into Elbert County will require an on site inspection by the County Building Official, prior to it being relocated. The inspection will indicate any deficiencies and provide improvement options. The owner may be required to improve the unit to the most current adopted Building Codes.
  - a. The Community and Development Services Director shall have the ability to grant an Administrative Special Use if the proposed manufactured home is to be placed on one hundred sixty (160) acres or more and the manufactured home meets the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC 5401 et. seq., as amended) and is placed on a permanent foundation per the U.S. Department of Housing and Urban Development Handbook "*Permanent Foundations Guide for Manufactured Housing*" (4930.3 August 1989, as amended).

The Administrative Special Use process shall be as follows:

1. The applicant shall meet with Community and Development Services informally to discuss the request and determine the requirements.
2. A formal application shall be submitted to Community and Development Services and shall consist of the following:
  - a) a completed application form
  - b) proof of ownership of the land on which the application is requested
  - c) application fee per current fee schedule
  - d) narrative addressing the following issues:
    - 1) proof of water availability, if applicable
    - 2) method of wastewater treatment, if applicable
    - 3) type or method of fire protection
    - 4) name and address of the owner if different than the applicant
  - e) site plan exhibit
    - 1) prepared to scale
    - 2) showing north arrow and scale
    - 3) prepared on an 8-1/2" x 11" minimum sheet

- 4) show name of person preparing plan
- 5) provide a vicinity map showing the surrounding area within a 2 mile radius
- 6) show dimension of all existing and proposed structures (structures to be removed should be indicated as such)
- 7) show public and private roadways, rights-of-way, street names and points of access on or adjacent to the proposed site; note dimensions and surface material
- 8) indicate adjoining land uses and zoning
- 9) show major drainage ways affecting the site and designation of any 100-year flood plain.

- b. Community and Development Services shall review the application and conduct a site inspection within ten (10) working days.
- c. Upon receiving notification from Community and Development Services that the application is complete the applicant shall mail the following notice by certified return receipt mail to owners of property adjacent to and within five hundred (500) feet of the property as shown in the records of the Office of the Elbert County Assessor. The notice shall be mailed at least fifteen (15) days prior to the action date.

\*\*\*\*\*

### **"NOTICE OF ACTION"**

**“Administrative Special Use Review for \_\_\_\_\_.”**

"Notice is hereby given that on \_\_\_\_\_(day of week), \_\_\_\_\_(month and date), 20\_\_\_\_, at \_\_\_\_\_ a.m./p.m. the Community and Development Services Director will act upon the Administrative Special Use application on file with the Elbert County Community and Development Services Department, Kiowa, Colorado, 621-3136, by \_\_\_\_\_(name of applicant), pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately \_\_\_\_\_(distance and direction from nearest major intersection). Any comments must be submitted in writing to Elbert County Community and Development Services, P. O. Box 7, Kiowa, Colorado 80117, by \_\_\_\_\_(date)."

Project name and number: \_\_\_\_\_

Legal description of property: \_\_\_\_\_

Reason: \_\_\_\_\_

Date of application: \_\_\_\_\_

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- d. At least five (5) days prior to the action date the applicant shall submit to Community and Development Services
  - 1) the white postal receipts from the notices mailed
  - 2) a copy of the notice mailed
  - 3) an alphabetical list and a map illustrating the location and proximity of owners of property adjacent to, and within five hundred (500) feet, of the property under consideration.
- e. By the action date, the applicant must submit to Community and Development Services, the green postal receipts.

- f. Any party wishing to object to the decision made by Community and Development Services shall file their objection(s) within fifteen (15) days from the action date. The letter of appeal will be submitted to Community and Development Services. Community and Development Services will forward the appeal to the Board of County Commissioners.
- 25. Multiple use wastewater treatment and water storage facilities.
- 26. Multiple residences on very large properties. Requirements:
  - a. Minimum property size to be considered “Very Large Properties” = 640 contiguous acres.
  - b. In addition to one residence as a Use by Right and a second residence as a Use by Special Review, there needs to be at least an additional 640 contiguous acres with the base 640 acres per additional residence.
  - c. There will not be any prescribed spacing for multiple residences.
  - d. The total number of residences on any one “Very Large Property” is four (4).
  - e. Multiple residences shall go through the regular Special Use Review Process.
- 27. Nursery schools and day-care centers.
- 28. Police training facilities.
- 29. Private schools, public schools, colleges and universities and related facilities, country clubs, golf courses, private campgrounds and other private clubs operated for the benefit of members only and not for monetary gain.
- 30. Raceways provided that such uses do not conflict with existing residential areas and adequate off-street parking is available.
- 31. Radio, television and telephone transmitting stations.
- 32. Religious retreat.
- 33. Resort lodges and guest ranch.
- 34. Riding academies - public.
- 35. Sawmills, permanent or portable.
- 36. Second residence - The second residence may either be separate from, or a part of, the primary residence
- 37. Solid waste disposal sites and facilities.
- 38. Summer camps, such as Boy Scouts, YMCA, etc.

39. Temporary residences. Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
- 40.
41. Trash collection, hauling, and disposal sites (See Part II, Section 17 for solid waste disposal sites and facilities).
42. Veterinary clinics and hospitals.
43. Wind generators - Commercial, defined as more than one wind generator (setbacks for commercial wind generators or wind farms shall be at least 1,000 feet from all property boundaries.
44. All other uses allowed by special review under smaller residential zones.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

1. Minimum lot area 60 acres
2. Lot widths (minimum) 500 feet
3. Front yard setback (minimum) from the centerline of the road easement. 150 feet
4. Side yard setback (minimum) 100 feet
5. Rear yard setback (minimum) 100 feet
6. Building height (maximum) 35 feet
7. Accessory Use or Building
  - a. Front yard setback (minimum) feet from the centerline of the road easement. 150 feet
  - b. Side and rear yard setback (minimum) 50 feet
  - c. Building height (maximum) 35 feet
8. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement.

#### E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this zone and may be located in the yard setback (front, side and/or rear).
2. Fences, hedges and walls at intersections of streets, roads, highways and railroads shall not



be constructed or placed so as to create an obstruction to vehicular sight distance as determined by County and State road specifications.

**PART II, SECTION 3:**

**A-1 - AGRICULTURE-ONE**

**A. INTENT**

Allowing for areas including open space, forests, general farming, ranching and agriculturally related uses to continue the social and economic values of agricultural land. Uses shall have no detrimental effects on soil stability or ground water supplies and shall not change the runoff characteristics of said land.

**B. USES PERMITTED BY RIGHT**

1. Accessory uses and building.
2. Antennas - Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communications system uses. These antenna support structures shall be located on the property so that if the antenna or antenna support structures fall it will be within the property boundaries. In any case the height shall not exceed 75 feet.
3. Farming, ranching, forestry (tree) farming, gardening, greenhouses and plant nurseries and buildings pertaining thereto.
4. Home occupation.
5. Horse breeding and boarding not to exceed ten (10) animal units.
6. Household pets.
7. Microwave dishes without towers not to exceed height of surrounding buildings.
8. Open space, including playgrounds and parks.
9. Single family dwelling excluding mobile homes.
10. Temporary residences. Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
11. Utility Service Facility.
12. Water treatment and storage facilities (private) for domestic use, not exceeding 5,000 gallons.

**C. USES PERMITTED BY SPECIAL REVIEW**

1. Aircraft related recreational facilities.

2. Agriculture recreational uses.
3. Antenna support structures in height category of 75.01 to 120.00 feet shall be subject to an “Administrative Special Use Review” as detailed in Part II, Section 17.
4. Antenna support structures in height category of 120.01 or more feet shall be subject to a “Special Use Review” as detailed in Part II, Section 17.
5. Bird Foundation and Rescue.
6. Boarding stables.
7. Cemeteries.
8. Churches.
9. Fire Stations (see Resolution 99-19).
10. Firing/shooting ranges.
11. Fur Farms – Commercial.
12. Group Homes.
13. Horse breeding and boarding in excess of ten (10) animal units.
14. Hospitals, nursing and convalescent homes and other extended care facilities.
15. Kennels - Commercial, Private, and Large private.
16. Major facilities of a public utility.
17. Mining activities, mining quarries, sand and gravel operations, oil drilling, and oil and gas exploration.
18. Non-domestic, exotic animals.
19. Nursery schools and day-care centers.
20. Police training facilities.
21. Poultry farms - Commercial.
22. Private riding academies operated for benefit of members only and not for monetary gains.
23. Private schools, public schools, colleges and universities and related facilities, country clubs, golf courses, private campgrounds and other private clubs operated for the benefit of

members only and not for monetary gain.

24. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
25. Radio, television and telephone transmitting stations.
26. Religious retreat.
27. Second residence - The second residence may either be separate from or a part of the primary residence.
28. Sawmills, portable.
29. Veterinary clinics and hospitals.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

1. Minimum lot area 35 acres
2. Lot widths (minimum) 500 feet
3. Front yard setback (minimum) from the centerline of the road easement. 150 feet
4. Side yard setback (minimum) 100 feet
5. Rear yard setback (minimum)
  - a. Principal use or building 100 feet
  - b. Accessory use or building 50 feet
6. Building height (maximum) 35 feet
7. Accessory use or building
  - a. Front yard setback (minimum) from the centerline of the road easement. 150 feet
  - b. Side and rear yard setback (minimum) 50 feet
  - c. Building height (maximum) 35 feet
8. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement.

E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls which obstruct vision shall not exceed thirty (30) inches in height if within fifteen (15) feet of property corners at intersections of streets, roads, highways and railroads.

F. GENERAL REQUIREMENTS

1. Parking Requirements: Two (2) off-street parking spaces per dwelling unit.
2. Sign Requirements: See Sign Regulations, Part II, Section 19 of these Regulations.
3. A corral shall be provided if the animal unit exceeds one animal unit per 35 acres. The corral facility cannot exceed 1/2 acre in size for any lot.
4. Road Requirements: Road permit through the Road and Bridge Department.

## **PART II, SECTION 4:**

## **A-2 - AGRICULTURE-TWO**

### **A. INTENT**

Allowing for areas of open space and agriculturally related uses and low density residential subdivisions.

### **B. USES PERMITTED BY RIGHT**

1. Accessory uses and buildings.
2. Antennas - Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communications system uses. These antenna support structures shall be located on the property so that if the antenna or antenna support structures fall it will be within the property boundaries. In any case the height shall not exceed 75 feet.
3. Farming, ranching, forestry (tree) farming, gardening, greenhouses and plant nurseries and buildings pertaining thereto.
4. Home occupation.
5. Horse breeding and boarding not to exceed ten (10) animal units.
6. Household pets.
7. Microwave dishes without towers not to exceed height of surrounding buildings.
8. Open space, including playgrounds and parks.
9. Single family dwelling excluding mobile homes.
10. Temporary residences. Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
11. Utility Service Facilities.
12. Private water treatment and storage facilities for domestic use, not exceeding five thousand (5,000) gallons.

### **C. USES PERMITTED BY SPECIAL REVIEW**

1. Animal Shelter - All recommendations of the Colorado Department of Health, Department of Agriculture, Planning Commission or other appropriate agencies, shall be complied with regarding feed, water, shelter, confinement, exercise and health care, unless specifically waived by the Planning Commission and Board of County Commissioners of Elbert

County.

2. Antenna support structures in height category of 75.01 to 120.00 feet shall be subject to an “Administrative Special Use Review” as detailed in Part II, Section 17.
3. Antenna support structures in height category of 120.01 or more feet shall be subject to a “Special Use Review” as detailed in Part II, Section 17.
4. Cellular Communication Facilities (see Part II, Section 17 - Uses Permitted by Special Review).
5. Cemeteries.
6. Churches and church schools.
7. Fire Stations (see Resolution 99-19).
8. Group homes.
9. Horse breeding and boarding in excess of 10 animal units.
10. Hospitals, nursing and convalescent homes and other tended care facilities.
11. Major facilities of a public utility.
12. Mining activities, mining quarries, sand and gravel operations, oil drilling and oil and gas exploration.
13. Non-domestic, exotic animals.
14. Nursery Schools and Day Care Centers.
15. Private riding academies operated for the benefit of members only and not for monetary gain.
16. Public and private schools, colleges and universities and related facilities, private recreational uses, country clubs and other private clubs operated for the benefit of members only and not for monetary gain, golf courses and public and private campgrounds.
17. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
18. Radio, television and telephone transmitting stations.
19. Recreational uses.
20. Second Residence - The second residence may either be separate from, or a part of, the

primary residence.

21. Veterinary clinics and hospitals.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

1. Minimum lot area 20 acres
2. Lot widths (minimum) 450 feet
3. Front yard setback (minimum) from the road right-of-way easement, or at a point of minimum lot width, whichever is greater. 100 feet
4. Side yard setback (minimum) 100 feet
5. Rear yard setback (minimum) 100 feet
6. Building height (maximum) 35 feet
7. Accessory use or building
  - a. Front yard setback (minimum) from the road right-of-way easement 100 feet
  - b. Side and rear yard setback 50 feet
  - c. Building height (maximum) 35 feet
8. Corner lots must meet front yard setback requirements on each side that the yard borders a public or private road, a vehicle right-of-way, or a vehicle easement.

#### E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls which obstruct vision shall not exceed thirty (30) inches in height if within fifteen (15) feet of property corners at intersections of streets, roads, highways and railroads.

#### F. GENERAL REQUIREMENTS

1. Parking Requirements: Two (2) off-street parking spaces per dwelling unit.
2. Sign Requirements: See Sign Regulations, Part II, Section 19 of these Regulations.
3. A corral shall be provided if the animal unit exceeds one animal unit per 20 acres. The corral facility cannot exceed 1/2 acre in size for any lot.
4. Road Requirements: Road permit, as appropriate, through the Road and Bridge Department.



## **PART II, SECTION 5:**

## **AR - AGRICULTURE RESIDENTIAL**

### **A. INTENT**

Allowing for areas of open space, noncommercial farming, ranching, agriculturally related uses and low density residential subdivisions.

### **B. USES PERMITTED BY RIGHT**

1. Accessory uses and buildings.
2. Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communication system uses. These antenna support structures shall be located on the property so that if antennas or antenna support structures fall, it will be within the property boundaries. In any case, the height shall not exceed 35 feet (35'), except for amateur radio ("Ham") antennas, which shall not exceed seventy-five feet (75').
3. Home occupation.
4. Household pets.
5. Microwave dishes without towers.
6. Non-commercial domestic livestock, poultry, fowl and small livestock. Maximum corral facility of one-half (1/2) acre. See Part II, Section 23 of these Regulations.
7. One (1) single-family dwelling per lot.
8. Open space, public parks and playgrounds.
9. Private water treatment and storage facilities and sewage treatment facilities for domestic use, not exceeding five thousand (5,000) gallons.
10. Temporary construction office - bonding may be required.
11. Temporary residence - bonding may be required. . Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
- 12.
13. Utility Service Facilities.

### **C. USES PERMITTED BY SPECIAL REVIEW**

1. Animal Shelter - All recommendations of the Colorado Department of Health, Department of Agriculture, Planning Commission or other appropriate agencies, shall be complied with

- regarding feed, water, shelter, confinement, exercise and health care, unless specifically waived by the Planning Commission and Board of County Commissioners of Elbert County.
2. Antenna support structures in height category of 75.01 to 120.00 feet shall be subject to an “Administrative Special Use Review” as detailed in Part II, Section 17.
  3. Antenna support structures in height category of 120.01 or more feet shall be subject to a “Special use Review” as detailed in Part II, Section 17.
  4. Cellular Communications Facilities Standards (see Part II, Section 17 - Uses Permitted by Special Review).
  5. Cemeteries.
  6. Churches and church schools.
  7. Fire Stations (see Resolution 99-19).
  8. Group homes.
  9. Horse breeding and boarding.
  10. Hospitals, nursing and convalescent homes and other tended care facilities.
  11. Major facilities of a public utility.
  12. Mining activities, mining quarries, sand and gravel operations, oil drilling and oil and gas exploration.
  13. Non-domestic, exotic animals.
  14. Nursery Schools and Daycare Centers.
  15. Private riding academies operated for the benefit of members only and not for monetary gain.
  16. Public and private schools, colleges and universities and related facilities, private recreational uses, and public and private campgrounds.
  17. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
  18. Radio, television and telephone transmitting stations.
  19. Recreational uses.
  20. Second Residence - The second residence may either be separate from or a part of the

primary residence but must have a central water system available to the site.

21. Veterinary clinics and hospitals.

D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

1. Minimum lot area 10 acres
2. Lot widths (minimum) 250 feet
3. Front yard setback (minimum) from the road right-of-way easement, or at a point of minimum lot width, whichever is greater. 100 feet
4. Side yard setback (minimum) 50 feet
5. Rear yard setback (minimum) 50 feet
6. Building height (maximum) 35 feet
7. Accessory use or building:
  - a. Front setback (minimum) from the road right-of-way easement 100 feet
  - b. Side and rear yard setback 50 feet
  - c. Building height (maximum) 35 feet
8. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement.

E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this zone and may be located in the yard setback.
2. Fences, hedges and walls shall not exceed thirty (30) inches in height for distances in excess of fifteen (15) feet, measured from property corners at intersections of streets, roads, highways and railroads restricting visibility.

F. GENERAL REQUIREMENTS

1. Open space Dedication Requirements or Cash in lieu: A portion of the gross site area shall be dedicated to either a special district, or a qualifying non-profit entity, or to Elbert County or other group that has the ability and resources required to administer and must perpetually defend the open space for its intended use. Cash may be paid to the County in lieu of the dedication of open space. The dedication of land or payment of cash in lieu of dedication shall be carried out in conformity with the Elbert County Master Plan.

2. Road Requirements: Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.
3. Parking Requirements: Two (2) off-street parking spaces per dwelling unit.
4. Sign Requirements: See Sign Regulations, Part II, Section 19 of these regulations.
5. Utility Requirements: All distribution and/or service lines for all utilities must be underground installation, unless a Variance or Special Use is granted by Elbert County for overhead installation.

**PART II, SECTION 6:**

**RA-1 - RESIDENTIAL AGRICULTURE-ONE**

**A. INTENT**

Areas for low density residential development. Non-commercial, agricultural uses.

**B. USES PERMITTED BY RIGHT**

1. Accessory uses and buildings.
2. Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communication system uses. These antenna support structures shall be located on the property so that if antennas or antenna support structures fall, it will be within the property boundaries. In any case, the height shall not exceed thirty-five feet (35') except for amateur radio ("Ham") antennas, which shall not exceed seventy-five feet (75').
3. Home occupation.
4. Household pets.
5. Microwave dishes without towers.
6. Non-commercial, domestic livestock, poultry, fowl and small livestock. Maximum corral facility of ½ acre. See Part II, Section 23 of these Regulations.
7. One (1) single-family dwelling per lot.
8. Open space.
9. Public parks, playgrounds and other public recreation areas; provided that all buildings are located at least fifty (50) feet from all property lines.
10. Temporary residence construction, bonding may be required. . Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
- 11.
12. Temporary residential sales and construction office, bonding may be required.
13. Utility service facility.

**C. USES PERMITTED BY SPECIAL REVIEW**

1. Antenna support structures in height category of 75.01 to 120.00 feet shall be subject to an "Administrative Special Use Review" as detailed in Part II, Section 17.

2. Antenna support structures in height category of 120.01 or more feet shall be subject to a “Special use Review” as detailed in Part II, Section 17.
3. Cellular Communication Facilities (see Part II, Section 17 – Uses Permitted by Special Review).
4. Churches and church schools.
5. Fire Stations (See Resolution 99-19).
6. Group homes.
7. Hospitals, nursing and convalescent homes and other extended care facilities.
8. Major facilities of a public utility.
9. Mining activities, mining quarries, sand and gravel operations, oil drilling and oil and gas exploration.
10. Nursery schools and day-care centers.
11. Public and private schools.
12. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
13. Second Residence - The second residence may either be separate from or a part of the primary residence, but must have a central water system available to the site.
14. Veterinary hospitals and clinics.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

- |    |   |          |
|----|---|----------|
| 1. | Minimum lot area  | 5 acres  |
| 2. | Lot widths (minimum)  | 250 feet |
| 3  | Front yard setback (minimum) from the road right-of-way easement, or at a point of minimum lot width, whichever is greater. | 100 feet |
| 4  | Side yard setback (minimum)   | 25 feet  |
| 5  | Rear yard setback (minimum)   | 25 feet  |
| 6. | Building height (maximum)   | 35 feet  |

7. Accessory use or building:
  - a. Front setback: (minimum) from the road right-of-way easement. 100 feet
  - b. Side and rear setback (minimum) 25 feet
  - c. Building height (maximum) 35 feet
8. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road or a vehicle right-of-way or a vehicle easement.

E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this zone and may be located in the yard setback.
2. Fences, hedges and walls shall not exceed thirty (30) inches in height for distances in excess of fifteen (15) feet, measured from property corners at intersections of streets, roads, highways and railroads restricting visibility.

F. GENERAL REQUIREMENTS

1. Dedication Requirements: A portion of the gross site area shall be dedicated to either a special district, or a qualifying non-profit entity, or to Elbert County or other group that has the ability and resources required to administer and must perpetually defend the open space for its intended use, or, cash-in-lieu of land shall be required in conformance with the Elbert County Master Plan and subject to the Elbert County Subdivision Regulations.
2. Parking Requirements: Two (2) off-street parking spaces per dwelling unit.
3. Sign Requirements: See Part II, Section 19 of these Regulations.
4. Utility Requirements: All distribution and/or service lines for all utilities must be underground installation unless a Variance or Special Use is granted by Elbert County for overhead installation.
5. Road Requirements: Gravel roads to meet the Elbert County Road and Bridge Department's specifications and certified approval obtained from same to be filed with the Building Department prior to permits being issued. Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.

PART II, SECTION

**RA-2 - RESIDENTIAL AGRICULTURE-TWO**

A. INTENT

Areas for medium low density residential development. Non-commercial, agricultural uses.

B. USES PERMITTED BY RIGHT

1. Accessory uses and buildings.
2. Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communication system uses. These antenna support structures shall be located on the property so that if antennas or antenna support structures fall, it will be within the property boundaries. In any case, the height shall not exceed thirty-five feet (35'), except for amateur radio ("Ham") antennas, which shall not exceed seventy-five feet (75').
3. Home occupation.
4. Household pets.
5. Microwave dishes without towers.
6. Non-commercial, domestic livestock, poultry, fowl and small livestock. Maximum corral facility of 1/2 acre. See Part II, Section 23 of these Regulations.
7. One (1) single-family dwelling per lot.
8. Open space.
9. Public parks, playgrounds and other public recreation areas, provided that all buildings are located at least fifty (50) feet from all property lines.
10. Temporary residence, construction; bonding may be required. Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
11. Temporary residential sales and construction office; bonding may be required.

C. USES PERMITTED BY SPECIAL REVIEW

1. Antenna support structures in height category of 75.01 to 120.00 feet shall be subject to an "Administrative Special Use Review" as detailed in Part II, Section 17.
2. Antenna support structures in height category of 120.01 or more feet shall be subject to a "Special Use Review" as detailed in Part II, Section 17.



3. Cellular Communication Facilities (See Part II, Section 17 - Uses Permitted by Special Review).
4. Churches and church schools.
5. Fire Station (see Resolution 99-19).
6. Group homes.
7. Hospitals, nursing and convalescent homes and other extended care facilities.
8. Major facilities of a public utility.
9. Nursery schools and day-care centers.
10. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
- ~~11.~~ Second Residence: A second residence, only as a part of the primary residence, may be approved, provided central sewer and water are utilized.
12. Utility service facility.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

1. Minimum lot area 2.5 acres
2. Lot widths (minimum) 150 feet
3. Front yard setback (minimum) from road right-of-way easement, or at a point of minimum lot width, whichever is greater. 50 feet
4. Side yard setback (minimum) 25 feet
5. Rear yard setback (minimum) 25 feet
6. Building height (maximum) 35 feet
7. Accessory use or building:
  - a. Front setback: (minimum) from property line 50 feet
  - b. Side and rear setback (minimum) 25 feet
  - c. Building height (maximum) 35 feet
8. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road or a vehicle right-of way or a vehicle easement.

E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this zone and may be located in the yard setback.
2. Fences, hedges and walls shall not exceed thirty (30) inches in height for distances in excess of fifteen (15) feet, measured from property corners at intersections of streets, roads, highways and railroads restricting visibility.

F. GENERAL REQUIREMENTS

1. Open Space Dedication Requirements or Cash in lieu: A portion of the gross site area shall be dedicated to either a special district, or a qualifying non-profit entity, or to Elbert County or other group that has the ability and resources required to administer and must perpetually defend the open space for its intended use.:-Cash may be paid to the County in lieu of the dedication of open space. The dedication of land or payment of cash in lieu of dedication shall be carried out in conformity with the Elbert County Master Plan.
2. Parking Requirements: Two (2) off-street parking spaces per dwelling unit.
3. Sign Requirements: See Part II, Section 19 of these Regulations.
4. Water and Sanitation Requirements: Use must be served by a central water and sanitation facility approved by the State Health Department.
5. Road Requirements:- Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.
6. Utility Requirements: All distribution and/or service lines for all utilities must be underground installation unless a Variance or Special Use Review is granted by Elbert County for overhead installation.

**PART II, SECTION 8:**

**R-1 - RESIDENTIAL ONE**

**A. INTENT**

Areas of medium high density residential development.

**B. USES PERMITTED BY RIGHT**

1. Accessory uses and buildings.
2. Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communication system uses. These antenna support structures shall be located on the property so that if antennas or antenna support structures fall, it will be within the property boundaries. In any case, the height shall not exceed thirty-five feet (35'), except for amateur radio ("Ham") antennas, which shall not exceed seventy-five feet (75').
3. Domestic hooved livestock, see Part II, Section 23 of these Regulations.
4. Home occupation.
5. Household pets.
6. Microwave dishes without towers.
7. One single-family dwelling per lot.
8. Open space.
9. Public parks, playgrounds and other public recreation areas; provided that all buildings are located at least fifty (50) feet from all property lines.
10. Temporary residence; bonding may be required. Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
11. Temporary residential sales and construction office; bonding may be required.

**C. USES PERMITTED BY SPECIAL REVIEW**

1. Antenna support structures in height category of 75.01 to 120.00 feet shall be subject to an "Administrative Special Use Review" as detailed in Part II, Section 17.
2. Antenna support structures in height category of 120.01 or more feet shall be subject to a "Special use Review" as detailed in Part II, Section 17.
3. Cellular Communication Facilities (see Part II, Section 17 - Uses Permitted by Special

Review).

4. Churches and church schools.
5. Group homes.
6. Fire Stations (see Resolution 99-19).
7. Hospitals, nursing and convalescent homes and other extended care facilities.
8. Major facilities of a public utility.
9. Nursery schools and day-care centers.
10. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
- ~~11.~~ Second Residence: A second residence, only as a part of the primary residence may be approved, provided central sewer and water are utilized.
12. Utility service facility.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

1. Minimum lot area 1 acre
2. Lot widths (minimum) 100 feet
3. Front yard setback (minimum) from the road right-of-way easement or at a point of minimum lot width, whichever is greater. 50 feet
4. Side yard setback (minimum) 20 feet
5. Rear yard setback (minimum) 25 feet
6. Building height (maximum) 35 feet
7. Accessory use or building:
  - a. Front setback: (minimum) from the property line 50 feet
  - b. Side and rear setback (minimum) 15 feet
  - c. Building height (maximum) 20 feet
8. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road or a vehicle right-of-way or a vehicle easement.

E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this zone and may be located in the yard setback.
2. Fences, hedges and walls shall not exceed thirty (30) inches in height for distances in excess of fifteen (15) feet, measured from property corners at intersections of streets, roads, highways and railroads restricting visibility.
3. Fences, hedges and walls shall not exceed six (6) feet in height on the side and rear and shall not exceed four (4) feet in height when located in required front yards, except when said fence falls into the classification of E-2 above.
4. Electrified and barbed wire fences shall be prohibited in this zone.

F. GENERAL REQUIREMENTS

1. Open Space Dedication Requirements or Cash in lieu: A portion of the gross site area shall be dedicated to either a special district, or a qualifying non-profit entity, or to Elbert County or other group that has the ability and resources required to administer and must perpetually defend the open space for its intended use.== Cash may be paid to the County in lieu of the dedication of open space. The dedication of land or payment of cash in lieu of dedication shall be carried out in conformity with the Elbert County Master Plan.
2. Parking Requirements: Two (2) off-street parking spaces per dwelling unit.
3. Sign Requirements: See Part II, Section 19 of these Regulations.
4. Water and Sanitation Requirements: Use must be served by a central water and sanitation facility approved by the State Health Department.
5. Road Requirements: Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.
6. Utility Requirements: All distribution and/or service lines for all utilities must be underground installation, unless a Variance or Special Use Review is granted by Elbert County for overhead installation.

**PART II, SECTION 9:**

**R-2 - RESIDENTIAL TWO**

**A. INTENT**

Areas of medium to high density residential development.

**B. USES PERMITTED BY RIGHT**

1. Accessory uses and buildings.
2. Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communication system uses. These antenna support structures shall be located on the property so that if antennas or antenna support structures fall, it will be within the property boundaries. In any case, the height shall not exceed thirty-five feet (35'), except for amateur radio ("Ham") antennas, which shall not exceed seventy-five feet (75').
3. Home occupation.
4. Household pets. Reference Part II, Section 23, paragraph B.
5. Microwave dishes without towers.
6. One (1) single-family dwelling per lot.
7. Open space.
8. Public parks, playgrounds and other public recreation areas; provided that all buildings are located at least fifty (50) feet from all property lines.
9. Temporary residence; bonding may be required. Temporary Housing Permits, in conjunction with a valid building permit, for either mobile or manufactured homes in excess of 8 X 30 feet will not be permitted.
10. Temporary residential sales and construction office; bonding may be required.

**C. USES PERMITTED BY SPECIAL REVIEW**

1. Antenna support structures in height category of 75.01 to 120.00 feet shall be subject to an "Administrative Special Use Review" as detailed in Part II, Section 17.
2. Antenna support structures in height category of 120.01 or more feet shall be subject to a "Special Use Review" as detailed in Part II, Section 17.
3. Cellular Communication Facilities (see Part II, Section 17 – Uses Permitted by Special Review).

4. Churches and church schools.
5. Group homes.
6. Hospitals, nursing and convalescent homes and other extended care facilities.
7. Major facilities of a public utility.
8. Nursery schools and day-care centers.
9. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
10. Utility service facility.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

1. Lot area under 1 acre
2. Lot widths (minimum) 75 feet
3. Front yard setback (minimum) from the road right-of-way right-of-way easement or at a point of minimum lot width, whichever is greater. 25 feet
4. Side yard setback (minimum) 10 feet
5. Rear yard setback (minimum) 25 feet
6. Building height (maximum) 35 feet
7. Accessory use or building:
  - a. Front setback: (minimum) from the property line. 25 feet
  - b. Side and rear setback (minimum) 15 feet
  - c. Building height (maximum) 20 feet
8. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement.

#### E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this zone and may be located in the yard setbacks.
2. Fences, hedges and walls shall not exceed thirty (30) inches in height for distances in excess of fifteen (15) feet, measured from property corners at intersections of streets, roads,

highways and railroads restricting visibility.

3. Fences, hedges and walls shall not exceed six (6) feet in height on the side and rear and shall not exceed four (4) feet in height when located in required front yards, except when said fence falls into the classification of E-2 above.
4. Electrified and barbed wire fences shall be prohibited in this zone.

#### F. GENERAL REQUIREMENTS

1. Open Space Dedication Requirements or Cash in lieu: A portion of the gross site area shall be dedicated to either a special district, or a qualifying non-profit entity, or to Elbert County or other group that has the ability and resources required to administer and must perpetually defend the open space for its intended use.--Cash may be paid to the County in lieu of the dedication of open space. The dedication of land or payment of cash in lieu of dedication shall be carried out in conformity with the Elbert County Master Plan.
2. Parking Requirements: Two (2) off-street parking spaces per dwelling unit.
3. Sign Requirements: See Part II, Section 19 of these Regulations.
4. Water and Sanitation Requirements: Use must be served by a central water and sanitation facility approved by the State Health Department.
5. Road Requirements: Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.
6. Utility Requirements: All distribution and/or service lines for all utilities must be underground installation unless a Variance or Special Use Review is granted by Elbert County for overhead installation.



**PART II, SECTION 10:            MF - MULTI-FAMILY**

**All Multi-Family developments shall be processed as PUD- Included in Part II, Sec 16**

**PART II, SECTION 11:**

**MH - MOBILE HOME SUBDIVISION**

**Future zoning of this type will not be allowed. Subdivisions proposing Manufactured Homes will be processed as PUD.**

**A. INTENT**

This section is established for the purpose of providing minimum standards and provisions for the creation of a mobile home subdivision. This type of subdivision, which shall be utilized exclusively by mobile homes, is similar to conventional single-family residential developments and is subdivided into individual lots for individual ownership.

**B. GENERAL REQUIREMENTS**

1. No dependent mobile home, as defined in these Regulations, shall be allowed in a mobile home park or a mobile home subdivision.

**C. USES PERMITTED BY RIGHT**

1. Accessory uses and buildings.
2. Home occupation.
3. Household pets.
4. Microwave dishes without towers.
5. Recreational or service facilities for the occupants of the subdivision.
6. Single-family mobile home.
7. Supervisory, management or other facilities controlling the subdivision and/or facilities.
8. Temporary residential sales and construction office - bonding may be required.
9. Other structures, or areas shown on the hereinafter described Planned Unit Development Plan.

**D. USES PERMITTED BY SPECIAL REVIEW**

1. Cellular Communication Facilities Standards (see Part II, Section 17 - Uses Permitted by Special Use Review).
2. Churches and church schools.
3. Hospitals, nursing homes and extended care facilities.
4. Nursery schools and day-care centers.

E. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

- |    |   |                   |
|----|---|-------------------|
| 1. | Lot area  | 9,000 square feet |
| 2. | Lot widths (minimum)  | 100 feet          |
| 3. | Front yard setback (minimum): from the road right-of-way easement or at a point of minimum lot width, whichever is greater.                                 | 20 feet           |
| 4. | Side yard setback (minimum)   | 20 feet           |
| 5. | Rear yard setback (minimum)   | 25 feet           |
| 6. | Building height (maximum)   | 25 feet           |
| 7. | Accessory use or building:  |                   |
|    | a. Front setback from property line (minimum)   | 20 feet           |
|    | b. Side and rear yard setback (minimum)   | 20 feet           |
|    | c. Building height (maximum)  | 20 feet           |
| 8. | Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement. |                   |

F. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this zone and may be located in the yard setback (front, side and/or rear).
1. Fences, hedges and walls shall not exceed thirty (30) inches in height for distances in excess of fifteen (15) feet, measured from property corners at intersections of streets, roads, highways and railroads restricting visibility.
2. Fences, hedges and walls shall not exceed six (6) feet in height on the side and rear.
4. Fences shall not be permitted in required front yards.
5. Electrified and barbed wire fences shall be prohibited in this zone.
6. Tennis courts, backstops and other recreational uses for fences, walls and hedges are exempted from the height restrictions in Subparagraph E.6.

G. LANDSCAPING

The Mobile Home Subdivision shall either be fenced or screened, planted on side and rear property lines with height being specified in the Planned Unit Development Plan and in conformance with

the Elbert County Site Design Standards.

The screening buffers, open spaces and setback areas shall be properly maintained by a special district, a qualified non-profit entity or to other group that has the ability and resources required to maintain such areas.

#### H. GENERAL REQUIREMENTS

1. **Open Space Dedication Requirements or Cash in lieu:** A portion of the gross site area shall be dedicated to either a special district, or a qualifying non-profit entity, or to Elbert County or other group that has the ability and resources required to administer and must perpetually defend the open space for its intended use. Cash may be paid to the County in lieu of the dedication of open space. The dedication of land or payment of cash in lieu of dedication shall be carried out in conformity with the Elbert County Master Plan.
2. **Road Requirements:** Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.
3. **Parking Requirements:** Two (2) off-street parking spaces, each measuring ten (10) feet by twenty-two (22) feet, shall be provided one per each lot. Such spaces shall be properly drained and surfaced with asphalt or concrete and located back of the required front yard.
4. **Sign Requirements:** See Section 20 of these Regulations.
5. All utilities within the Mobile Home Subdivision may be required to be constructed underground dependent upon the density sought in the subdivision, except, when for engineering reasons; it is not practical or feasible.
6. Service, utility and recreation buildings and appurtenances, garbage and trash containers, rodent and insect control and water and sewage provisions must comply with all regulations of the State of Colorado and Elbert County.
7. Skirting of a mobile home is required within thirty (30) days of placement, but such skirting shall not provide a harborage for rodents or create a fire hazard. Skirting on the foundation of a mobile home shall be installed on an engineered designed foundation approved by the Elbert County Building Department; same as required for a permanent residence.
8. No vehicle in excess of three-fourths (3/4) ton carrying capacity shall be kept, stored or parked on any public right-of-way or private driveway within a Mobile Home Subdivision except while making normal deliveries.
9. Mobile Home Subdivisions shall be platted with the same procedure utilized for other residential subdivisions in the County.
10. **Utility Requirements:** All distribution and/or service lines for all utilities must be underground installation unless a Variance or Special Use is granted by Elbert County for

overhead installation.

**PART II, SECTION 12:                    B – BUSINESS**

**All new non-residential development shall be PUD. (Included in Part II, Sec 16)**

**A.     INTENT**

Areas for retail related business uses with minimal wholesale activity and limited storage within the principal structure, including professional services and providers of goods and services to the public.

**B.     USES PERMITTED BY RIGHT INCLUDING THE FOLLOWING BUT SHALL NOT BE LIMITED TO:**

1.     Antique shops.
2.     Artist supply stores.
3.     Banks, Savings & Loans, Credit Unions or similar Financial Institutions with or without drive-in facilities.
4.     Barber Shops, Beauty Parlors, Nail Salons or any other Personal Care Businesses.
5.     Bars and lounges.
6.     Book stores.
7.     Churches and Church Schools.
8.     Clothing and other retail stores.
9.     Convenience Store.
10.    Craft and hobby stores.
11.    Drug stores.
12.    Dry goods and variety stores.
13.    Dry cleaning.
14.    Electrical and household appliance sales and service.
15.    Fire Station (see Resolution 99-19).
16.    Florist, Nurseries, Retail Plant Stores and Retail Greenhouses.
17.    Furniture stores.

18. Gift shops.
19. Grocery stores.
20. Hardware/Building Materials and Home Repair/Supply stores, without outside storage of any kind.
21. Jewelry stores.
22. Laundromats.
23. Library.
24. Liquor Stores.
25. Mortuaries and funeral homes.
26. Motel, hotel and Bed and Breakfasts.
27. Music shops.
28. Offices - general, medical, dental, including all professional, public utility office or service facility and governmental activities.
29. Office/Business supply and stationary stores.
30. Paint stores.
31. Pet shops.
32. Photographic studios, equipment and supply stores.
33. Public and private school, including nursery and day care centers where outdoor area shall be enclosed by six (6) foot perimeter fencing.
34. Public or private membership clubs.
35. Public or private parking lots.
36. Public or private recreational areas.
37. Restaurants and other eating establishments, including Fast Food Establishments and Bakeries, retail and minimal wholesale with or without drive-in facilities.
38. Shoe stores.
39. Sporting goods and athletic equipment stores.

40. Tack/Livestock shops without feed storage.
41. Theaters - indoor.
42. Toy and game stores.
43. Travel agencies.

All of the listed uses and those interpreted for inclusion by the Community and Development Services Director shall be conducted entirely within an enclosed building unless exempted by the Community and Development Services Director.

#### C. USES PERMITTED BY SPECIAL REVIEW

1. Automobile service stations with gasoline pumps.
2. Caretaker residence.
3. Cellular Communication Facilities Standards (see Part II, Section 17 – Uses Permitted by Special Use).
4. Convenience stores with gasoline pumps.
5. Firing Range - indoor.
6. Major facilities of a public utility.
7. Printing and Publishing Businesses including Sign painting.
8. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
9. Temporary construction offices – Administrative Special Use approval similar to Group Homes, bonding may be required.
10. Temporary offices – Administrative Special Use approval similar to Group Homes, bonding may be required.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS - FOR PRINCIPAL AND ACCESSORY BUILDINGS AND USES

1. Minimum lot width 100 feet
2. Minimum front yard setback and minimum yard setback for land abutting a street. 40 feet



3. Minimum side and rear yard setbacks:

Adjoining uses allowed in B or C: in accordance with the Uniform Building Code.

Adjoining uses allowed in LI or GI 50 feet

Adjoining uses allowed in Residential or Agriculture 60 feet

4. Maximum building height 60 feet

5. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement.

E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this district and do not have to comply with the minimum setbacks of the zone district.
2. Fences, hedges and walls shall not exceed thirty (30) inches in height on corner lots for a minimum distance of fifteen (15) feet in either direction measured from property corners at intersections of streets, roads, highways and railroads, restricting visibility.
3. Fences, hedges and walls shall not exceed eight feet in height and shall not exceed four (4) feet in height when located in required front yards.
4. Outdoor storage shall be concealed by a solid fence or wall at least six (6) feet in height.

F. GENERAL REQUIREMENTS

1. Road Requirements: Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.
2. Parking Requirements: See Section 21 of these Regulations.
3. Sign Requirements: See Section 20 of these Regulations.
4. Landscape Requirements: Each parcel or tract shall be landscaped in accordance with an approved landscaping plan. The areas landscaped shall be inclusive of, but not limited to, the required front yard, parking areas and other required areas. Xeriscaping is encouraged.
5. Water and Sanitation Facility Requirements: Use must be served by a central water and sanitation facility approved by Elbert County Building Department and Colorado State Health Department. In appropriate cases, septic approved by the Elbert County Building Department.

6. Utility Requirements: All distribution and/or service lines for all utilities must be underground installation, unless a Variance or Special Use Review is granted by Elbert County for overhead installation.

7. Additional Requirements:

- a. All roof mounted equipment shall be properly screened. Solar collectors and solar heaters are exempted.
- b. All uses shall be in accordance with an approved site plan.

**PART II, SECTION 13:                    C – COMMERCIAL**

**All new non-residential development shall be PUD. (See Part II, Sec 16)**

**A.     INTENT**

Areas for wholesale and service related commercial uses with minimal assembly or manufacturing activities.

**B.     USES PERMITTED BY RIGHT INCLUDING THE FOLLOWING BUT SHALL NOT BE LIMITED TO:**

1.     All uses permitted by right in the B - Business District.
2.     Amusement and general recreational facilities.
3.     Automobile service stations with gasoline pumps.
4.     ATV's and Motorcycles – sales, servicing and repairs.
5.     Automobile, Light Truck (less than 1.5 Ton Manufacturer's Rating), SUV's – servicing, sales and repairs.
6.     Bakeries – all wholesale and retail.
7.     Colleges, Universities and related facilities, Country Clubs, Golf Courses, public and private Campgrounds and other private clubs operated for the benefit of members only and not for monetary gain.
8.     Convenience stores with gasoline pumps.
9.     Contractors offices without outside storage of construction materials or equipment.
10.    Food lockers - fresh and frozen.
11.    Hardware/Building materials and Home Repair/Supply Stores – wholesale and retail.
12.    Hospitals, nursing and convalescent homes and other extended care facilities.
13.    Mini-warehouses with no storage of dangerous or flammable materials and no selling of merchandise and other tangible goods or services from any unit.
14.    Motels and hotels and Bed and Breakfasts, including conference and convention centers and other incidental accessory uses located within the principal building.
15.    Radio and television station offices.

16. Shopping centers.
17. Theaters – outdoor and indoor.
18. Tire supply and repair stores.
19. Upholstery supply and repair stores.
20. Vehicle washes – automatic or coin operated.
21. Wholesale Greenhouses and plant nurseries.

C. USES PERMITTED BY SPECIAL REVIEW

1. Aircraft related recreational facilities.
2. Airports and heliports.
3. Caretaker residence.
4. Cellular Communication Facilities Standards (See Part II, Section 17 - Uses Permitted by Special Use Review).
5. Commercial storage areas (see Subsection E of this Section).
6. Crematory in conjunction with a Mortuary and/or Funeral Home.
7. Firing Range – indoor and outdoor.
8. Hazardous Material Product Distribution and Storage, provided said distribution and storage meets all current Federal, State, and Local Regulations. Intended haul routes will be clearly defined and adhered to.
9. Livestock feed store with feed storage.
10. Major Facilities of a Public Utility.
11. Printing and Publishing Business including Sign Painting.
12. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
13. Raceways - motorized and non-motorized.
14. Recreational Vehicles, sales and storage.

15. Temporary construction offices – Administrative Special Use approval similar to Group Homes, bonding may be required.

16. Temporary offices – Administrative Special Use approval similar to Group Homes, bonding may be required.

D. AREA AND YARD SETBACK REQUIREMENTS - FOR PRINCIPAL AND ACCESSORY USES

1. Minimum lot width 100 feet

2. Minimum front yard setback and minimum yard setback for land abutting a street. 40 feet

3. Minimum side and rear yard setbacks. Adjoining uses allowed in B or C: in accordance with the Uniform Building Code.

Adjoining uses allowed in LI or GI 50 feet

Adjoining uses allowed in Residential or Agriculture 75 feet

4. Maximum building height 60 feet

5. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement.

E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this district and do not have to comply with the minimum setbacks of the zone district.

2. Fences, hedges and walls shall not exceed thirty (30) inches in height on corner lots for a minimum distance of fifteen (15) feet in either direction measured from property corners at intersections of streets, roads, highways and railroads, restricting visibility.

3. Fences, hedges and walls shall not exceed eight (8) feet in height and shall not exceed four (4) feet in height when located in required front yards.

4. Outdoor storage shall be concealed by a solid fence or wall at least six (6) feet in height.

F. GENERAL REQUIREMENTS

1. Road Requirements: Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.

2. Parking Requirements: See Section 20 of these Regulations.

3. Sign Requirements: See Section 19 of these Regulations.
4. Landscape Requirements: Each parcel or tract shall be landscaped in accordance with an approved landscaping plan. The areas landscaped shall be inclusive of, but not limited to, the required front yard, parking areas, and other required areas.
5. Water and Sanitation Facility Requirements: Use must be served by a central water and sanitation facility approved by Elbert County Building Department.
6. Utility Requirements: All distribution and/or service lines for all utilities must be underground installation, unless a Variance or Special Use Review is granted by Elbert County for overhead installation.
7. Additional Requirements:
  - a. All roof mounted equipment shall be properly screened. Solar collectors and heaters are exempted.
  - b. All uses shall be in accordance with an approved site plan.

**PART II, SECTION 14:                    LI - LIGHT INDUSTRIAL**

**All new non-residential development shall be PUD. (See Part II, Sec 16)**

**A.     INTENT**

Areas for research, warehousing, small product assembly and manufacturing and distribution facilities with minimal environmental impact noise, lights and vibrations confined to the site upon which the principal use is located.

**B.     USES PERMITTED BY RIGHT INCLUDING THE FOLLOWING BUT SHALL NOT BE LIMITED TO:**

1.     Agricultural and Commercial equipment sales and rental.
2.     Assembling and light-manufacturing plants, with onsite sales of products.
3.     ATV's and Motorcycles – sales, servicing and repairs.
4.     Automobile service stations with gasoline pumps.
5.     Automobiles, SUV's, Light Trucks (less than 1.5 Tons Manufacturer's Rating) - sales, service and repairs.
6.     Bakeries - wholesale and retail.
7.     Banks, financial institutions and services including drive-in facilities.
8.     Bars and lounges.
9.     Bottling plants.
10.    Building materials/Hardware and Home Repair/Supply stores - wholesale and retail.
11.    Carpentry and woodworking shops.
12.    Commercial grain storage.
13.    Compounding plants.
14.    Contractors offices, with outside storage of construction materials or equipment.
15.    Dairy processing plants.
16.    Fire Stations (see Resolution 99-19).
17.    Food and beverage processing plants.

18. Food lockers.
19. Garden shops, greenhouses and wholesale plant nurseries.
20. General merchandise wholesale business.
21. Home repair centers - wholesale and retail.
22. Liquor Stores.
23. Livestock feed store.
24. Machine shops.
25. Mini warehouses with no storage of dangerous or flammable material and no selling of merchandise and other tangible goods or services from any unit.
26. Offices - general, medical, dental, including all professional and governmental activities.
27. Printing and Publishing Businesses including Sign painting.
28. Product distribution and storage facilities.
29. Public and private parking lots.
30. Public and private recreational areas.
31. Recreational Vehicles, sales and storage.
32. Restaurants and other eating facilities.
33. Scientific research facilities.
34. Storage and warehousing facilities.
35. Upholstery supply and repair shops.
36. Utility service facility.

**C. USES PERMITTED BY SPECIAL REVIEW**

1. Aircraft related recreational facilities.
2. Airports and heliports.
3. Caretaker residence.



4. Cellular Communication Facilities Standards (see Part II, Section 18 - Uses Permitted by Special Use Review).
5. Concrete, asphalt and mortar batching plants.
6. Firing Range – indoor and outdoor.
7. Hazardous Material product distribution and storage.
8. Major facilities of a public utility.
9. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
10. Temporary construction offices – Administrative Special Use approval similar to Group Homes, bonding may be required.
11. Temporary offices – Administrative Special Use approval similar to Group Homes, bonding may be required.

**D. AREA AND YARD SETBACK REQUIREMENTS - FOR PRINCIPAL AND ACCESSORY USES**

1. Minimum lot width 100 feet
2. Minimum front yard setback and minimum yard setback for land abutting a street 40 feet
3. Minimum side and rear yard setbacks. Adjoining uses allowed in B or C: In accordance with the Uniform Building Code.
 

Adjoining uses allowed in LI or GI	50 feet
Adjoining uses allowed in Residential or Agriculture	75 feet
4. Maximum building height 60 feet
5. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement.

**E. FENCES, HEDGES AND WALLS**

1. Fences, hedges and walls shall be permitted in this district and do not have to comply with the minimum setbacks of the zone district.

2. Vision Clearance Triangle – No fence, wall, hedge, vegetation, or other obstruction over 42” in height shall be erected, placed or maintained within a 25’ (40’ for collectors and arterials), visual clearance triangle formed by the property line, immediately adjacent to a street, road, or non-residential driveway.
3. Fences, hedges and walls shall not exceed eight (8) feet in height and shall not exceed four (4) feet in height when located in required front yards.
4. Outdoor storage shall be concealed by a solid fence or wall, at least six (6) feet in height.

F. GENERAL REQUIREMENTS

1. Road Requirements: Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.
2. Parking Requirements: See Section 21 of these Regulations.
3. Sign Requirements: See Section 20 of these Regulations.
4. Landscape Requirements: Each parcel or tract shall be landscaped in accordance with an approved landscaping plan. The areas landscaped shall be inclusive of, but not limited to, the required front yard, parking areas and other required areas.
5. Water and Sanitation Facility Requirements: Use must be served by a central water and sanitation facility approved by the Elbert County Building Department.
6. Utility Requirements: All distribution and/or service lines for all utilities must be underground installation, unless a Variance or Special Use Review is granted by Elbert County for overhead installation.
7. Additional Requirements:
  - a. All roof mounted equipment shall be properly screened, solar collectors and **solar** heaters are exempted.
  - b. All uses shall be in accordance with an approved site plan.

**PART II, SECTION 15:                    GI - GENERAL INDUSTRIAL**

**All new non-residential development shall be PUD. (See Part II, Sec 16)**

**A.     INTENT**

Areas for research, warehousing small product assembly and manufacturing and distribution facilities with minimal environmental impact noise, lights and vibrations confined to the site upon which the principal use is located.

**B.     USES PERMITTED BY RIGHT INCLUDING THE FOLLOWING BUT SHALL NOT BE LIMITED TO:**

1.     Any use permitted by right in the LI - Light Industrial District.
2.     Any industrial or manufacturing operations with incidental onsite sales and in compliance with all current Federal, State, and local standards/regulations regarding air, ground water, dust, smoke, fumes, gas, noxious odors or noise.
3.     Automobile Graveyard.
4.     Commercial storage areas (see Subsection E of this Section).
5.     Concrete, asphalt or mortar batching plants.
6.     Junkyard.
7.     Public and private storage areas except hazardous material storage.
8.     Recycle/Trash transfer facility.
9.     Truck terminals and loading areas.
10.    Utility service facility.

**C.     USES PERMITTED BY SPECIAL REVIEW**

1.     Aircraft related recreational facilities.
2.     Airport and heliports.
3.     Caretaker residence.
4.     Cellular Communication Facilities Standards (see Part II, Section 18 - Uses Permitted by Special Use Review).
5.     Chemical storage, transfer and disposal facilities.

6. Firing Range – indoor and outdoor.
7. Hazardous material product distribution and storage.
8. Major facilities of a public utility.
9. Public, private and multiple use wastewater treatment and water storage facilities for domestic use in excess of five thousand (5,000) gallons.
10. Public and private sanitary landfill.
11. Radio, television and telephone transmitting stations.
12. Temporary construction offices – Administrative Special Use approval similar to Group Homes, bonding may be required.
13. Temporary offices – Administrative Special Use approval similar to Group Homes, bonding may be required.

#### D. MINIMUM AREA AND YARD SETBACK REQUIREMENTS

1. Minimum lot width 100 feet
2. Minimum front yard setback and minimum yard setback for land abutting a street 40 feet
3. Minimum side and rear yard setbacks: Adjoining uses allowed in GI: in accordance with the Uniform Building Code.  
  
 Adjoining uses allowed in B, C, or LI: 25 feet  
 Adjoining uses allowed in Residential or Agriculture. 75 feet
4. Maximum building height 60 feet
5. Corner lots must meet front yard setback requirements on each side the yard borders a public or private road, a vehicle right-of-way or a vehicle easement.

#### E. FENCES, HEDGES AND WALLS

1. Fences, hedges and walls shall be permitted in this district and do not have to comply with the minimum setbacks of the zone district.
2. Vision Clearance Triangle – No fence, wall, hedge, vegetation, or other obstruction over 42” in height shall be erected, placed or maintained within a 25’ (40’ for collectors and arterials), visual clearance triangle formed by the property line, immediately adjacent to a street, road, or non-residential driveway.

3. Fences, hedges and walls shall not exceed eight (8) feet in height and shall not exceed four (4) feet in height when located in required front yards.
4. Outdoor storage shall be concealed by a solid fence or, wall at least six (6) feet in height.

F. GENERAL REQUIREMENTS

1. Road Requirements: Roads must meet all requirements of the Elbert County Road and Bridge Standards. Certified approval of roads must be obtained prior to issuance of the 1st building permit.
2. Parking Requirements: See Section 21 of these Regulations.
3. Sign Requirements: See Section 20 of these Regulations.
4. Landscape Requirements: Each parcel or tract shall be landscaped in accordance with an approved landscaping plan. The areas landscaped shall be inclusive of, but not limited to, the required front yard, parking areas and other required areas. Landscape plan must employ xeriscape technology. Use of native plants and trees is strongly encouraged.
5. Water and Sanitation Facility Requirements: Use must be served by a central water and sanitation facility approved by the Elbert County Building Department and Colorado State Health Department.
6. Utility Requirements: All distribution and/or service lines for all utilities, must be underground installation, unless a Variance or Special Use is granted by Elbert County for overhead installation.
7. Additional Requirements:
  - a. All roof mounted equipment shall be properly screened, solar collectors and solar heaters are exempted.
  - b. All uses shall be in accordance with an approved site plan.

## **PART II, SECTION 16 PLANNED UNIT DEVELOPMENT ZONE DISTRICT {PUD}**

(Planned Unit Developments are authorized by state statute at Title 24, Article 67, C.R.S.)

### **A. INTENT & PURPOSE**

Planned Unit Developments are encouraged to promote innovative approaches to residential, commercial, industrial and recreational land uses; develop creative design of land uses; promote mixed-use developments; improve energy conservation; increase efficient use of open space; enhance preservation of environmental conditions and increase compatibility with overall County objectives.

### **B. PERMITTED USES**

1. The Planned Unit Development Zone District may include uses of any classification (residential, commercial, conservation, industrial, or a combination of various uses), that are consistent with the Elbert County Master Plan and compatible with the site's physical and environmental characteristics.
2. The permitted uses for a particular Planned Unit Development are those uses that are approved by the Board of County Commissioners through the Planned Unit Development process.
3. Minimum standards for the permitted uses will be specified in the Development Guide.

### **C. GENERAL REQUIREMENTS**

1. All other requirements and/or provisions within these Zoning Regulations shall apply to Planned Unit Developments unless otherwise specified in the particular Development Guide.
2. Upon approval of any Planned Unit Development by the Board of County Commissioners, the Development Guide and Planned Unit Development Graphic and digital copy shall be filed and recorded with the Elbert County Clerk and Recorder.
3. Any proposed change or amendment to an approved Development Guide or Planned Unit Development Graphic other than those allowed in the Standard Flexibility Statement described in Section (D)(9)(I), shall require public hearings before the Planning Commission and the Board of County Commissioners.
4. The Planned Unit Development shall provide for, or establish an organization for, the ownership and perpetual maintenance of roads, open space, parks, water and sanitation systems, or other common facilities contained within the Planned Unit Development. A common facility within a Planned Unit Development may not be disposed of, by sale or otherwise, without first having a public hearing before the Board of County Commissioners to ensure the common facility is being transferred to another organization or group that has the ability and resources required to own and perpetually maintain the common facility. Any open space or parks and/or common facility being considered for disposition, shall first

be offered to the County or other governmental agency designated by the County.

5. Land for open space/parks shall be dedicated to either a special district, or a qualifying non-profit entity, Elbert County, or other group that has the ability and resources required to administer and perpetually defend the open space/parks for its intended use.
6. Unless otherwise specified within the Development Guide and on the Planned Unit Development Graphic, permitted uses in areas designated in the Planned Unit Development Zone District as open space, parks, conservation, or other similar term, are limited to the following:
  - a. Passive recreational uses limited to hiking, biking, or equestrian trails, provided all the following conditions are met:
    1. The open space supporting these activities is left primarily in its undisturbed natural condition;
    2. The use does not involve recreational motorized vehicles (motorized wheelchairs are permitted);
  - b. Active recreational uses including, but not limited to ball fields, community/recreation centers (with associated parking), equestrian centers, tennis and basketball courts, playgrounds and associated equipment, and exercise courses.
  - c. Pedestrian amenities such as benches, picnic tables, and restrooms.
  - d. Farming, hay production, and ranching, not including feed lots or confined animal feeding operations.
  - e. Other similar uses deemed appropriate by the Board of County Commissioners.
7. Planned Unit Developments that contain commercial/retail components must provide central water and central sewer or other acceptable systems approved by Elbert County Environmental Health, the County Engineer, and the State of Colorado.

#### D. PLANNED UNIT DEVELOPMENT SUBMITTAL REQUIREMENTS

The following materials shall be submitted for Planned Unit Development applications. Initially, two hard copies and one digital copy of each document shall be submitted by the applicant for review by Community & Development Services. At such time as the documents are deemed adequate by the reviewing Case Planner, additional copies will be requested by the assigned Case Planner. The Director of Community & Development Services (Planning Director) may waive or alter any of these requirements if they are determined to be inappropriate or unnecessary to determining if the application satisfies applicable standards.

1. Land Use Application Packet

- Completed application form (provided by Community & Development Services) with original signatures and notary public seal.
  - Cover Letter – Which includes the name, address, and phone number of the property owner and representative; and a brief description of the proposal.
  - Disclosure Letter (provided by Community & Development Services) with original signatures and notary public seal
  - Application Agreement Form (provided by Community & Development Services) with original signature from the applicant or the applicant's authorized representative.
  - Statement of Taxes – Proof of taxes current as of land use application submittal date.
2. Proof of ownership – copy of a recorded deed or title policy
  3. Fees – The application submittal must be accompanied by the appropriate fees. The costs of consultant and referral agency review are the responsibility of the applicant. The County will require payment of County consultant review fees, based upon estimated consultant review costs, at the time of application. These costs are in addition to the application fees.
  4. Development Guide – The Development Guide is a written description of the proposed land uses and site design standards for development on the subject property. The Development Guide shall reflect the goals and policies of the Elbert County Master Plan. Community & Development Services shall provide the applicant with the appropriate Development Guide template for the type of proposed Planned Unit Development (residential, office/commercial, industrial). The Development Guide template will indicate information that should be included in the Development Guide. The Development Guide shall be submitted in 8-1/2" X 11" format and shall include at a minimum the following information:
    - a. Title and Applicant Information
      1. The name, address and phone number of the property owner;
      2. The name, address and phone number of the person or firm that prepared the Planned Unit Development Graphic and the Development Guide;
      3. The name of the proposed Planned Unit Development;
      4. Date of preparation and dates of revisions;
    - b. Statement of Intent – provide a brief description of the general project



concepts and the purpose of the request;

- c. Permitted Uses – Describe the proposed uses to be included in the Planned Unit Development (see the appropriate Development Guide template for the type of uses proposed);
  - d. Lot and Building Standards – height limitations, building setbacks, and building envelopes;
  - e. No-Build Area Restrictions – no structures shall occur in the 100-year floodplain, slopes greater than 20%, critical wildlife areas, areas of highly-expansive soils, etc.;
  - f. Parking Requirements;
  - g. Fences and Retaining Walls;
  - h. Lighting;
  - i. Signage;
  - j. Large Animal Units (if applicable);
  - k. Open Space;
  - l. Landscaping;
  - m. Utility Requirement – All distribution and/or service lines for all utilities must be underground from the drop-pole to the service destination.
  - n. Design/Architectural Standards;
  - o. Pedestrian Circulation;
  - p. General Requirements
8. Vicinity Map – An 8-1/2” X 11” vicinity map shall be provided that locates the parcel in the County. The vicinity map shall clearly show the boundaries of the subject property, major roads within 2 miles of the subject property and the proposed access to the property.
9. Planned Unit Development Graphic – All sheets shall be in 24” X 36” format. The following information and standards shall apply to the Planned Unit Development Graphic:
- a. A margin, at least 1” on all sides, except the left-hand margin shall be a minimum of 2”;

- b. The name of the Planned Unit Development, centered on the upper portion of each sheet;
- c. The sheet number in the lower right hand corner of each sheet (Sheet 1 of \_\_\_\_\_);
- d. The Case # in the upper right corner of each sheet;
- e. “Development Guide” information shall be included on the first and any necessary subsequent sheets of the Planned Unit Development Graphic, with lettering being a minimum font size of 12 point. (Note: For processing purposes, the textual information may be prepared on 8 1/2 “ X 11” paper format);
- f. Legal Description - A legal description of the property designated as a lot, block, or tract on a recorded plat or a metes and bounds description;
- g. A location map drawn to scale which shows the proposed site in relationship to the surrounding area within two (2) miles;
- h. Names, addresses, and phone number of owner, representative, and individual/firm preparing the document;
- i. Site Plan – Shall include information regarding the layout of proposed land use areas; buildable and non-buildable areas, hazard areas, open space, easements (indicate Reception # and Book Number and Page Number, if applicable), etc.;
- j. The following signature blocks shall be included on the Planned Unit Development Graphic:

### **Planning Commission**

This rezone was reviewed by and recommended for approval by the Elbert County Planning Commission on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_, A.D.

\_\_\_\_\_  
Chairman, Planning Commission

### **Board of County Commissioners**

This rezone was reviewed and approved by the Elbert County Board of County Commissioners on the \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_, A.D.

\_\_\_\_\_  
Chairman, Board of County Commissioners

**Clerk and Recorder's Certificate**

I hereby certify this rezoning exhibit was filed in my office on this day of \_\_\_\_\_, in the year \_\_\_\_\_, A.D. at \_\_\_\_\_ A.M. / P.M. and was recorded at Reception Number \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Recorder

k. **Owner's Certificate:**

(Use the appropriate certificate for an individual owner, multiple owners, or corporation)

(Individual)

I, \_\_\_\_\_, as owner of the land affected by this Planned Unit Development, accept and approve all conditions set forth herein.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

(Multiple Owners)

We, \_\_\_\_\_ and \_\_\_\_\_, as owners of the land affected by this Planned Unit Development, accept and approve all conditions set forth herein.

Owners: \_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

(Corporation)

\_\_\_\_\_, as owner of the land affected by this Planned Unit Development, accept and approve all conditions set forth herein.

\_\_\_\_\_ as president of \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Name Printed)

\_\_\_\_\_ as secretary of \_\_\_\_\_  
(Signature)

\_\_\_\_\_ Date: \_\_\_\_\_  
(Name Printed)

NOTARY PUBLIC:

County of \_\_\_\_\_ )  
 ) ss  
State of \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Name Printed)

WITNESS my hand and official seal

My commission expires: \_\_\_\_\_

1. Standard Flexibility Statement (to be included on the first page of the Planned Unit Development Graphic):

“The graphic drawings contained within this Planned Unit Development Graphic are intended to depict general locations and illustrate concepts of the textual provisions of this Planned Unit Development. During the platting process the Community & Development Services Director may allow minor variations for the purpose of establishing:

1. Final road alignments
2. Final configuration of lot and tract sizes and shapes
3. Final building envelopes
4. Final access and parking locations
5. Landscape adjustments”

- m. Applicability Statement (to be included on the first page of the Planned Unit Development Graphic):

“Except as expressly provided otherwise in this Planned Unit Development, development of this property shall conform to the Elbert County Zoning Regulations in effect at the time of final plat recordation.”

- n. North Arrow and Scale – North arrows shall be indicated on the Planned Unit Development Graphic site plan and the location map. In addition, the scale shall be indicated and a bar scale provided for the site plan.
- o. Existing zoning, land uses, and owner’s name and addresses shall be indicated for adjacent properties.

- p. Existing easements shall be shown on the site plan with reception # and book and page reference, their use, and whether or not the easement will remain on the subject property.
  - q. All existing structures on the subject property shall be shown with setbacks from the property line with a note indicating as to whether or not the structures will remain on the subject property.
  - r. Topography of the site shall be shown at ten (10) foot contour intervals. Areas of twenty percent (20%) slope or greater shall be noted.
  - s. Access to the site from a dedicated County right-of-way shall be shown graphically. Internal vehicular and pedestrian circulation shall be shown with right-of-way and trail widths indicated.
  - t. All natural and man-made water courses, detention areas, streams/creeks, and lakes shall be shown. Any 100-year flood plains affecting the property shall be indicated.
  - u. All adjacent land owned by the applicant or owned by an entity that the applicant is a party to, that is not a part of the application, shall be noted and a note indicating the current and intended use of the land shall be included.
  - v. No-build areas that restrict building in hazardous areas shall be indicated.
  - w. Significant treed areas on the subject property shall be indicated.
- 10. Proof of Water – A written statement shall be provided from an existing water district or proof that an adequate water supply is dedicated for the proposed uses that meet all County and State requirements.
  - 11. Proof of Sanitary Sewer – A written statement shall be provided from an existing sanitary sewer provider or proof that an adequate system will be developed for sanitary sewer treatment that meets all Elbert County Environmental Health Department, Elbert County Engineer, and State requirements.
  - 12. Drainage Report – At a minimum, a Phase I Drainage Report, in compliance with the Elbert County Construction Standards and Specifications Manual shall be submitted, if the County Engineer deems the report necessary.
  - 13. Geologic Report – If the subject property is located within an area that contains expansive soils or other geologic hazards, a geologic report may be required by the County Engineer or Colorado Geologic Survey.
  - 14. Traffic Study – A traffic study may be required for developments, subject to determination by the Elbert County Road & Bridge Department or the County Engineer.

15. Additional Requirements – In certain circumstances, additional information may be necessary to fully evaluate the rezoning request. The applicant will be informed of any additional requirements during the review process.

#### E. PLANNED UNIT DEVELOPMENT REVIEW PROCEDURE

The following steps shall be involved in the Planned Unit Development review process:

1. Pre-Application Meeting – This process was developed to improve communication between the applicant and County staff. The intended result is a more efficient application review process. Community & Development Services should be contacted for submittal requirements. A Case Planner will be assigned after the Pre-Application Meeting is held.
2. Community Meeting - Applicants are required to conduct a community meeting prior to submitting a formal rezoning application. This meeting must be conducted in the general vicinity of the property involved in the rezoning application and serves to provide a forum for information exchange between applicants and citizens. By conducting the community meeting prior to the formal application submittal, it is anticipated that applicants will be able to address community concerns and incorporate community input in the formal application. The presentation at the community meeting is the responsibility of the applicant. The Case Planner will attend the meeting to address procedural matters only. The applicant will be responsible for notifying adjacent property owners within 1,320 feet of the subject property boundary at least fourteen (14) days prior to the community meeting. The subject property must be posted a minimum of ten (10) days prior to the community meeting to inform citizens in the immediate area of the community meeting. Signage location, format, and language will be provided to the applicant by Community & Development Services.
3. Two Copy Submittal – Applicants shall meet with the assigned Case Planner to submit one copy of each item that is required to be submitted for the formal application. The Case Planner will conduct a review of the information to check for completeness and adequacy. Once the Case Planner determines that the items are complete and adequate, the applicant may proceed with the formal rezoning application submittal.
4. Formal Rezoning Application Submittal – The applicant shall submit the completed application, fees, and required support documents in quantities identified by the Case Planner. The Case Planner will review the submittal package for completeness. A submittal package that is not complete in terms of type, quantity, and adequacy of required documents will not be accepted for review.
5. Application Referral – The Case Planner will refer the application and support documents to County Departments and other referral agencies as identified by the Case Planner.

6. County and Referral Agency Response – The referral agencies will respond in writing to the applicant’s submittal. The Case Planner will collect all referral comments.
7. Provide Comments to the Applicant – A summary of staff comments inclusive of other departments and agency responses will be forwarded to the applicant. A meeting between the Case Planner and the applicant may be held to review the referral responses. The applicant may also meet directly with the agency or agencies that have expressed concerns with the application. The Case Planner should be included in any meetings with referral agencies.
8. Applicant Responds to Comments – The applicant shall address, in writing, all issues and deficiencies identified by the Case Planner, any other County departments, and any referral agency. To continue the process in a timely manner, the applicant must complete the requested revisions and resubmit appropriate documents for a second review by the Case Planner, other County departments, and any applicable outside agencies as quickly as possible. If there is no written response to staff comments within sixty (60) calendar days after referral comments are provided to the applicant, the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Community & Development Services Director may extend this sixty (60) day maximum response deadline for an additional sixty (60) day period, upon written request by the applicant, if, in his or her opinion the delay in response is justifiable. Any additional time required for the response deadline, beyond that granted by the Community & Development Services Director, shall require approval by the Board of County Commissioners.
9. Staff Review of Revised Submittal and Pre-Hearing Meeting – At the time of re-submittal of the revised information, the applicant may arrange a pre-hearing meeting with the Case Planner. The pre-hearing meeting is an opportunity for the applicant to receive additional input and explore alternatives with the Case Planner. This input may include re-stating the already established position of staff in regard to the proposal and/or a discussion of steps involved in completing the proposal. Additional review fees may be charged for re-submittals that do not address previously red-marked prints, comments, and recommendations. Additional fees may also be charged for re-submittals that include new changes that are not in response to staff or referral agency red-marked prints, comments, and recommendations. If there is no written response by the applicant within sixty (60) calendar days of the date that the applicant was forwarded staff comments, the application will be considered withdrawn. The applicant will then have to file a new application with the required fees and documents. The Community & Development Services Director may extend this sixty (60) day maximum response deadline for an additional sixty (60) day period, upon written request by the applicant, if, in his or her opinion the delay in response is justifiable.



10. Public Hearing Documents Submittal – At such time as the Case Planner deems the application ready for public hearings, or the applicant advises the Case Planner in writing that no further revisions will be made, and the applicant desires to proceed to the Planning Commission and Board of County Commissioners’ public hearings, the applicant shall submit all documents requested by Case Planner necessary for the public hearings.
11. Planning Commission and Board of County Commissioners’ Public Hearings Scheduled – Following the submittal of all required public hearing documents, the Case Planner will schedule Planning Commission and Board of County Commissioners’ public hearing dates and notify the applicant in writing of the assigned dates.
12. Public Hearing Notification – The applicant will be responsible for preparing and posting the “Notice of Public Hearing” sign on the subject property, preparing and publishing the “Notice of Public Hearing” in a newspaper of general circulation, and mailing the “Notification of Adjacent Property Owners” letters, per the requirements of Part I, Section 6, “Rezoning Procedures and Requirements” section of these regulations.
13. Planning Commission Public Hearing – The Planning Commission shall review the request, staff report, other evidence, and public testimony. The Planning Commission shall recommend approval, conditional approval, or denial of the rezoning to the Board of County Commissioners. The Planning Commission may continue a request for a period of time not to exceed six (6) months from the completion of the presentation by the applicant at a public hearing.
14. Board of County Commissioners’ Public Hearing – The Board of County Commissioners shall review the request, staff report, other evidence, and public testimony at one or more public hearings. Upon conclusion of the presentation of testimony and evidence in the hearing(s) before the Board of County Commissioners, the Board may render a decision which approves, conditionally approves, or denies the rezoning application; unless the Board continues the case for further testimony and/or decision for a period of time not to exceed six (6) months from the date of the scheduled hearing.
15. Recordation of the Planned Unit Development Graphic – Within sixty (60) calendar days of approval by the Board of County Commissioners of the Planned Unit Development request, the applicant shall submit three (3) paper copies of the Planned Unit Development Graphic, which shall include the Development Guide, and any changes to the documents made by the Board of County Commissioners, to the Case Planner for review and approval. The Case Planner shall review the Planned Unit Development Graphic and provide the applicant with one (1) copy which indicates either acceptance or required changes necessary to the Graphic. Once the Case Planner accepts the Planned Unit Development Graphic, the applicant shall prepare and deliver two (2) Mylar copies, with recordation fees to the Case Planner for recordation. The applicant’s failure to submit a current and

accurate Mylar within ninety (90) calendar days following Board of County Commissioners' approval shall void the approval. The applicant may request an extension to the ninety (90) day recordation deadline from the Director of Community & Development Services. If granted the application will expire after the ninety (90) day extension. Within thirty (30) days of the expiration, the applicant may request reinstatement from the Board of County Commissioners at a public Board of County Commissioner meeting. Additional fees may be required by the Board of County Commissioners if reinstatement is approved.

#### F. PLANNED UNIT DEVELOPMENT APPROVAL STANDARDS

The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Planned Unit Development applications:

1. Whether the proposed rezoning complies with the goals and policies of the Elbert County Master Plan.
2. Whether the proposed rezoning is compatible with surrounding land uses.
3. Whether the proposed rezoning would adversely impact the provision of public services.
4. Whether the proposed rezoning would adversely impact the environment.
5. Whether the proposed rezoning would create traffic congestion or burden the existing road system.
6. Whether the proposed rezoning will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

#### G. DESIGN STANDARDS FOR RESIDENTIAL PLANNED UNIT DEVELOPMENTS

All residential developments that contain eight (8) or more lots/tracts, will be processed as Planned Unit Development re-zonings. The "Development Guide" for the Planned Unit Development will contain language which addresses all applicable provisions of these *Design Standards* to help ensure compliance. Any public improvements required as a result of these *Design Standards*, will further be addressed in the "Subdivision Improvements Agreement", which is finalized during the Final Plat process. Each proposed residential development subject to these *Design Standards* will be evaluated against all applicable standards and a "check" or an "N/A" notation will be indicated on each standard. Any applicable design standard(s) that is not addressed in the application will be noted by C&DSO and the applicant will be notified of any deficiencies. The applicant must either modify the application to meet the standard(s), or suggest a suitable, acceptable, alternative(s), before the application will be considered for public hearing scheduling. Should the applicant and C&DSO not be able to agree on whether or not the design standard(s) was/were met, the applicant may request in writing that the public hearing be scheduled before the Planning Commission and the matter presented at the hearing for discussion. No Board of County Commissioner public hearing will be scheduled until the Planning Commission has made its recommendation regarding

the matter. The Board of County Commissioner public hearing will be scheduled within a reasonable time period relative to the Planning Commission's recommendation.

#### Format of the *Design Standards*

These *Design Standards* are divided into two (2) sections. The first section is the "Site Design Standards" and deals with the physical characteristics of the land and how development should compliment and work in harmony with the natural conditions of the land. The second section contains the "Subdivision Design Standards" and deals with the built or installed elements of the development, such as entrances features and access, landscaping, signage, and lighting. Standards are then listed for each category within the "Site Design Standards" or the "Subdivision Design Standards".

#### Amendments to the *Design Standards*

The C&DSO and the Planning Commission should conduct a periodic review of the *Design Standards*, to ensure that the application of the *Design Standards* is accomplishing the desired result of quality residential development in Elbert County. Any modifications to these *Design Standards* will require public hearings before the Planning Commission and the Board of County Commissioners, as does any modification or amendment to the zoning regulations.

#### General Considerations for Every Application

In addition to the specific minimum design standards set forth herein, and as discussed in the Elbert County Master Plan, all applications will be reviewed based on over-arching considerations as to suitability and supportability in the communities/areas where the application is proposed. For example:

1. Is the application suitable for the community/area in which it is proposed?

In reviewing how the application will impact the community/area in which it is proposed the general types of issues to be considered include, for example:

- Density
- Lot Size
- Perimeter Lots
- Population
- Water use
- Water/Sewer
- Open Space
- Agricultural lands

2. Does the community/area in which the application is proposed have the resources to support it?

In reviewing whether the community/area has the necessary resources and infrastructure to support the application, the general types of issues to be considered include, for example:

- Schools
- Roads
- Law Enforcement
- Animal Control
- Fire Protection
- Ambulance Services
- Library Services
- Social Services

### Part 1 – Site Design Standards

#### A. Visual Quality

- 1.) Provide, maintain, and enhance landscaping buffers between roadways and development, with public access easements and all-weather surface trails along County roads that are classified as “arterials” or “collectors” in the West Elbert County Transportation Master Plan.



- 2.) Establish landscaped entries with integrated monument signage, wall-mounted signage, or other acceptable solution that provides an attractive, unique entry into the development.
- 3.) Screen utilities, electric/gas substations, water and sanitation facilities, and other visually undesirable elements with landscaping, topography, screen fencing, walls, or building placement.
- 4.) Provide tasteful, visually attractive architecture, signage, and landscaping throughout the development.
- 5.) Vary building setbacks and increase landscaped areas adjacent to “arterial” and “collector” roadways.
- 6.) Stagger solid fencing or wall alignment with a change of materials or an 18” minimum offset every 100 linear feet, to prevent long continuous fence or wall lines.
- 7.) Maintain and enhance existing tree cover and native vegetation, particularly along drainages, roadway frontages, property perimeters, and along trail systems.
- 8.) Shrubs, trees and other landscape plantings should emulate local natural conditions, e.g. undulate, rather than trees and landscaping placed in a linear fashion; and using diverse species that are compatible with native species,

B. Topography, Grading and Site Disturbance

- 1.) Minimize site grading to prevent negative impact to existing vegetation, drainage patterns, animal habitat, and topsoil. When disturbance is unavoidable, taper and integrate the new grades and landscaping with the natural contours and landscaping.
- 2.) Use retaining walls to break-up long expanses of slope cuts. Use natural colored materials for retaining walls such as textured block, rock, or stone.
- 3.) Re-vegetate disturbed areas and around retaining walls with native species and other plantings.
- 4.) Emulate natural patterns in re-vegetation.

C. Native Vegetation, Open Space and Wildlife

- 1.) All proposed residential developments should include open space designed to accommodate area wildlife, including migration corridors and habitat.
- 2.) Connectivity between parcels is critical to protect these migratory corridors and habitats. Proposed residential developments shall be evaluated for wildlife connectivity potential with adjoining properties.

- 3.) Critical wildlife habitat and migratory corridors, as identified by the Colorado Division of Wildlife and/or wildlife reports or studies shall be indicated on the Planned Unit Development graphic and the final plat as “no disturbance areas” or open space. Areas that are important to wildlife, such as riparian areas, land along the banks of drainages, streams, and other bodies of water, shall be protected by providing a substantial buffer between such areas and the developed portions of the site.
- 4.) To facilitate movement for wildlife, exterior fencing will conform to Colorado Division of Wildlife standards.
- 5.) Maintain natural vegetation ecosystems adjacent to and within bodies of water, streams, drainages, watercourses, and within associated wetlands.
- 6.) Building envelopes and roads should be located outside known wildlife corridors.
- 7.) Preserve threatened or endangered species of wildlife and/or vegetation.
- 8.) Maintain the native forested areas. Avoid tree and vegetation removal by designing the project to accommodate existing stands of trees. Should it be necessary to remove a mature existing tree (in excess of 10” in diameter); two (2) trees of similar species, a minimum of 6 feet in height, shall be installed as replacements for trees removed (Note: This standard does not apply when a wildfire mitigation plan is being implemented around structures.)
- 9.) Properly mitigate any pine beetle or other serious infestation problem identified by the Colorado State Forestry Service or other qualified arborist before the site is developed.
- 10.) In forested areas, building envelopes shall be established on individual lots so as to minimize the removal of mature trees.
- 11.) Wildfires are a reasonable concern throughout the County. Should tree removal be required for wildfire mitigation, a wildfire mitigation plan will be prepared by a properly qualified forestry professional, at the time of final plat. The wildfire mitigation plan will be prepared to comply with the Colorado State Forestry Service’s recommendations and guidelines, and/or with the appropriate fire district’s standards.

D. Open Space, Recreation, and Trails

- 1.) Larger buffer areas of open space will be located along property perimeters, particularly when more dense development is proposed adjacent to larger parcels.
- 2.) Natural buffers of open space will be located such that logical connections for future open space on adjacent parcels are considered. This will result in larger, contiguous blocks of open space between the parcels. Proposed developments that abut existing platted subdivisions and which are within two hundred feet (200’) of the property boundary, shall have perimeter lots that are similar in size (no more than 25% less) than the lots they abut. Where possible, proposed developments should align open space with open space in existing, adjacent subdivisions.

- 3.) Trails should connect internal open spaces and should extend to the property boundary for logical extensions on adjacent parcels.
- 4.) Encourage preservation of significant natural resources such as forested areas, wildlife habitat, migratory corridors, creeks and drainages, significant ridgelines, wetlands, and historic, cultural, and archeological resources.
- 5.) Significant natural resources, as described above, shall be indicated on the Planned Unit Development graphic and recorded final plat as “Perpetual Open Space”, with notes added to the recorded final plat as to ownership and maintenance responsibilities associated with the open space.
- 6.) Open space opportunities on the subject property shall be evaluated during the initial design and planning stages of the development. Opportunities for future connectivity of open areas and trails on adjacent parcels shall be evaluated at the same time, with the intent of creating large contiguous blocks of connecting open space in and around the developed portions of the properties.
- 7.) Designated open space shall be:
  - a.) A minimum of forty percent (40%) of the gross acreage of the site shall be permanently dedicated open space, within Conventional Residential Developments”, except those developments which are proposing ten (10) acre or larger parcels, which shall have a minimum of twenty percent (20%) open space, (except to the extent a reduction of this acreage is permitted in accordance with the standards relating to cash-in-lieu payments). No more than ten percent (10%) of the required open space shall be allowed to be credited with “cash-in-lieu” fees.
  - b.) “Conservation Communities” shall have a minimum of fifty (50%) open space. The Planned Unit Development Guide-lines, PUD Graphic, and Final Plat will designate all required open space as reserved for perpetuity.
- 8.) Open space should be conveyed to either a special district, or a qualifying non-profit entity, or to Elbert County or other group that has the ability and resources required to administer and perpetually defend the open space for its intended use.
- 9.) Open space, other than agricultural uses, should include water in sufficient amounts to satisfy the needs of the open space and provide adequate fire fighting water supply.
- 10.) As parcels adjacent to and in the vicinity of regional parks develop, accommodations for trails connecting neighborhoods to the regional park shall be designed and built prior to the issuance of the first building permit (other than permits for model homes) in the development.
- 11.) Open space may be put to either passive (trails, tables and benches for picnics, habitat, landscape or natural resource preservation) or active (ball fields, tennis or basketball courts), or both.

- 12.) Locate active recreational fields and areas so as to minimize negative impacts to surrounding properties. Parking areas and internal traffic circulation for the recreational activities and parks shall be located such that the impact to existing surrounding residential areas is minimized.
- 13.) Lighting associated with ball fields, parking areas, or other recreational facilities shall be sensitive to surrounding residential uses and designed to minimize glare and other objectionable light pollution. Light fixtures shall be downcast, with automatic shut-off capability. Lighting shall be turned-off when not in use to illuminate ball fields. Parking lot lighting and security lighting shall be kept to the minimum required for safety. Lighting standards associated with outdoor recreational activities will be included in the PUD Development Guide.
- 14.) Trail easements shall connect various portions of the development, be provided along arterial and collector road frontages (as identified in the *West Elbert County Transportation Master Plan*), along drainages, connecting open space within the development, and connecting stubs at the perimeter of the subject property shall be provided and shown on the Planned Unit Development graphic and the recorded final plat.
- 15.) Open space, in the form of trails, will be built and delineated as trail easements prior to issuance of any building permits. Trail easements will be a minimum of twenty feet (20') in width, and the original developer will provide a minimum eight foot (8') all-weather trail surface. All open space parcels shall be shown and labeled on the Planned Unit Development graphic, described in the Development Guide, and shown on the recorded final plat as "Perpetual Open Space", with notes added to the recorded final plat as to ownership and maintenance responsibilities associated with the open space and trails.
- 16.) Provide, maintain, and enhance landscaping buffers between roadways and development, with public access easements and all-weather surface trails along County roads that are classified as arterials or collectors on the West Elbert County Transportation Master Plan. Public access trail easements and trails shall be provided along drainages within proposed developments.

E. Hazards (Compliance with items in this section will be evaluated after referral comments have been received.)

- 1.) If applicable, locate building envelopes to minimize tree removal due to wildfire hazard.
- 2.) In areas of known wildfire hazard, establish a defensible space per Colorado State Forestry Service guidelines and coordination with local fire district standards.
- 3.) Provide fire cisterns and water storage as required by the governing fire district.
- 4.) Avoid the potential for flood damage to structures and loss of life by locating structures a minimum of one (1) foot higher than the 100-year flood elevation.
- 5.) Until 100-year flood elevations are established for Elbert County through the FEMA



program, developers will provide flood studies to determine the elevation of the 100-year flood elevation, for those properties with flood potential.

- 6.) Maintain drainage and creek boundaries and alignments through a process of site design and development that is responsive to natural storm drainage conditions.
- 7.) Engineer and design all modifications to the floodplain so that the flooding hazard and any erosion/sedimentation does not increase upstream or downstream of the development.
- 8.) Avoid structure and road construction in areas of expansive soils, without proper mitigation.
- 9.) A preliminary soils report that identifies the various soils types on the proposed development parcel shall be provided during the Preliminary Plat submittal. Should the preliminary soils report indicate the potential for expansive soils, a more detailed soils report and mitigation strategy shall be provided during the preliminary plat process, with all soils issues being resolved prior to approval of the Final Plat.

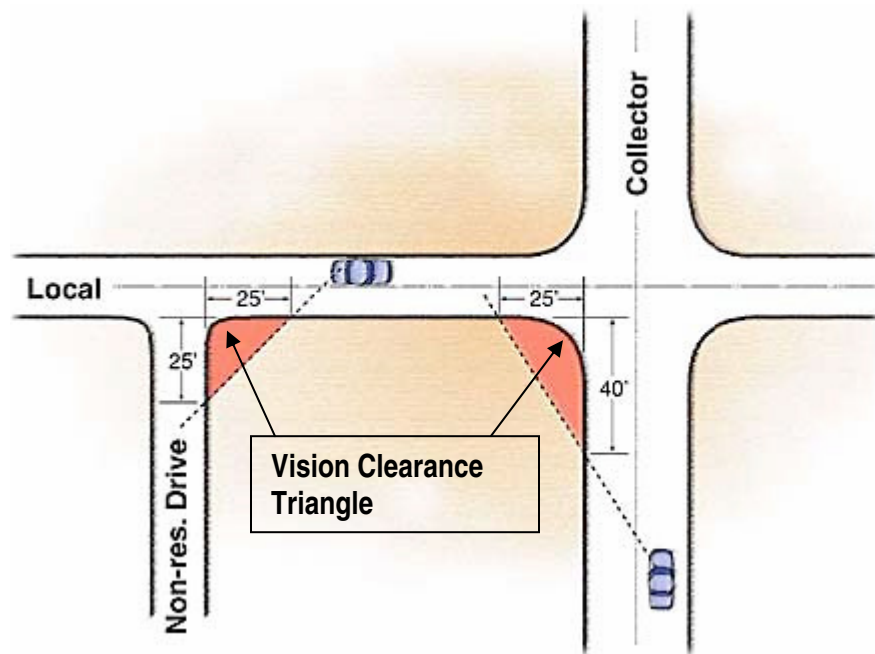
## Part 2 – Subdivision Design Standards

### A. Circulation and Off-Site Improvements

- 1.) Provide safe ingress and egress to all residential developments by maximizing the sight distances and providing left/right turn lanes and/or acceleration/deceleration lanes as required to make the entry function as safely as possible.
- 2.) Provide adequate turn-around and back-out areas for fire truck access throughout the development. Stubs for future road extensions shall terminate with a cul-de-sac designed per County specifications.
- 3.) A sufficient number of off-street parking spaces shall be provided for any multi-family housing component.
- 4.) Developments that generate more than 200 vehicle trips per day, shall have paved interior roads (Note: Total vehicle trips per day shall be based upon single family residential units generating 10 vehicle trips per day). Developments that are adjacent to county roads or future extensions of roads as depicted on the *West Elbert County Transportation Master Plan* – “Future Roadway System Map”, shall dedicate the necessary right-of-way to Elbert County for the road, according to the right-of-way depicted on the map or in the *West Elbert County Transportation Master Plan*. Should the proposed development generate sufficient traffic volume to warrant improvements to or construction of adjacent roadways, the road should be dedicated and built prior to the issuance of the first building permit per filing of the final plat.

B. Entrances and Access

- 1.) Establish landscaped entries with integrated monument signage, wall-mounted signage, or other acceptable solution that provides an attractive, unique entry into the development (see specific examples in the “Signage” and “Landscaping” sections of this document).
- 2.) A landscape plan shall be submitted with all residential Planned Unit Development re-zonings. This plan shall include landscape materials and planting design for the entries, streetscape, and other areas of plantings within the development, entry signage details for monument or wall-mounted signage signs, and any wall details or other features at the entry to the development.
- 3.) Vision Clearance Triangle – No fence, wall, hedge, vegetation, or other obstruction over 42” in height shall be erected, placed or maintained within a 25’ (40’ for collectors and arterials) visual clearance triangle formed by the property line immediately adjacent to a street, road, or non-residential driveway. The vision clearance triangle shall be shown on the Planned Unit Development graphic, referenced in the Development Guide, and shown on the recorded final plat. The vision clearance triangle is illustrated in the following diagram:



C. Landscaping

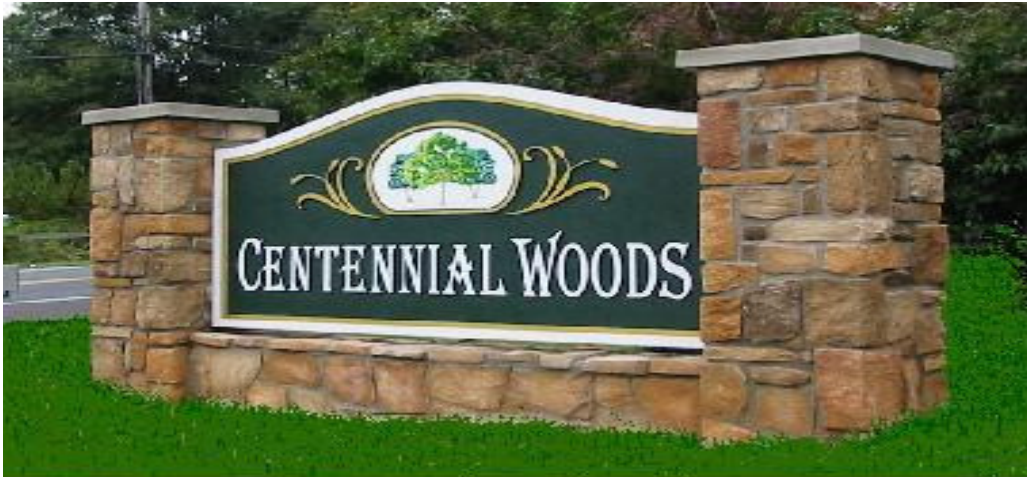
- 1.) A landscape plan which details quantity, type, and size of planting materials and standards for landscape installation shall be submitted as part of the Planned Unit Development process. Such plan shall be prepared by a qualified individual. Specific landscaping details will be provided for entries to residential subdivisions, streetscapes, areas to be screened, and any other areas where plant material is to be installed.
- 2.) Use native species of plant materials to help ensure survivability and to minimize the need for supplemental watering. Xeriscaping shall be encouraged.
- 3.) All installed plantings shall be watered as needed to ensure survival. All installed landscaping material shall be warranted and replaced for a period of 2 years after its initial installation, and said warranty shall be referenced in the Subdivision Improvement Agreement for the development.
- 4.) Landscape plans, landscape materials and installation exhibits, and performance guarantees shall be prepared according to the standards in the Elbert County 2007 Construction Standards & Specifications Manual.
- 5.) The following minimum standards shall apply to landscape plant material:
  - Evergreen Trees - 6' minimum height
  - Deciduous Trees – 1-1/2" Caliper
  - Shrubs – 5 gallon minimum

D. Lighting

- 1.) Light standards throughout the development shall be uniform and shall be integrated into the overall project design and architecture of the development.
- 2.) Lighting shall be “downcast cutoff-type” fixture, which shall not cast glare on adjacent residential properties or roads.
- 3.) Building-mounted lights must be directed downward and toward building.

E. Signage

- 1.) Signage should have a consistent graphic theme throughout the subdivision.
- 2.) Provide subdivision identification signage that exhibits craftsmanship and individuality for the subdivision, with attention to detail and emphasis on artistic qualities and craftsmanship.
- 3.) Subdivision identification signs shall be monument signage, wall signs, or other acceptable sign design solution (the photos below are examples of acceptable monument signage).



- 4.) Sign details, including subdivision entry signs, directional signs, and informational signs shall be provided at the time of Planned Unit Development application. Sign sizes, materials of construction, and setbacks shall be established in the Development Guide for the Planned Unit Development, with the signs' locations being indicated on the Planned Unit Development graphic.
- 5.) Internally-lighted plastic signs shall be prohibited.
- 6.) All signs requiring permits shall be issued a sign permit by the Community & Development Services Office prior to installation.
- 7.) Subdivision entries shall have a variety of plant materials that integrates and compliments the project identification signage. Plants shall be low-water consumption plants. Acceptable solutions are depicted in the following photos:





- 8.) No signage and/or vegetation over 42" in height, shall be allowed in the Vision Clearance Triangle as defined above.

F. Walls & Fencing

- 1.) Avoid long, continuous expanses of wall and solid fencing. No exterior wall or solid fence shall exceed one-hundred (100) feet without a change in material or an 18" minimum change in the wall plane.
- 2.) Any retaining wall over 36" in height will require stamped design drawings and engineering calculations prepared by a Colorado licensed engineer.
- 3.) No fencing or retaining walls shall be allowed within the "Vision Clearance Triangle", as illustrated above.
- 4.) To facilitate movement for wildlife, exterior fencing will conform to Colorado Division of Wildlife standards.

G. Lot Standards

- 1.) Perimeter lots should be of similar size to adjacent subdivided properties. In general, larger lots should be located near the perimeter of the property, with a transition of smaller lots toward the interior of the development.
- 2.) When smaller lots are proposed next to agricultural land or existing adjacent subdivided property with larger lots, provide a substantial amount (200') of open area between the common boundaries.
- 3.) Use building envelopes and "no-build" areas to provide privacy and to protect sensitive areas on the site.
- 4.) All residential developments shall be processed as Planned Unit Developments.
- 5.) Developer will provide a plan for storm water management and drainage.
- 6.) As much as practical, developer should offset building envelopes to provide privacy and visual variety.
- 7.) When transitioning between lower and higher density residential uses, ensure that higher density uses are compatible with adjacent lower density developments by incorporating one or more of the following:
  - a.) Increase setbacks and landscape buffering on common boundaries.
  - b.) Use existing topography and sculpted terrain to provide visual screening between developments.
  - c.) Graduate uses by intensity, where more intense uses are furthest away from least intensive uses. In general, more intensive uses should be located along collectors or arterials, or strategically placed within the interior of new developments.
  - d.) Buffer between uses with vegetation and berming.
  - e.) Within a mixed-use community, when a commercial development is proposed

adjacent to a residential area, all exterior walls shall be finished with similar architectural materials as the front elevation, windows excepted.

- f.) Use natural features to create an edge or boundary (e.g. drainages or tree lines).

#### H. Services, Utilities, & Public Facilities

- 1.) All utilities associated with development should be designed and positioned to minimize visual impact.
- 2.) All utilities associated with the development shall be placed underground from the main service meter pole and throughout the entire development.
- 3.) Substations, water treatment buildings, water storage tanks, free-standing utility equipment and pads, lift/pump stations and any associated above-ground piping, and other utilitarian structures, shall be screened with landscaping and berming, screen fencing and landscaping, or other suitable screening that minimizes negative visual impact.
- 4.) In addition, all residential developments shall have an adequate 300-year water supply and shall comply with all provisions of HB 08-1141, at the time of application for the Planned Unit Development zoning.

#### Definitions

**All-Weather Surface Trail** – Trails built with a surface, such as crushed-fine gravel, concrete, or asphalt. Crushed-fine gravel is the preferred all-weather surface material. Minimum width of the trail should be eight feet (8').

**Arterials** – Roads that typically serve major traffic movements and function to move large volumes of traffic through a community. Major and minor arterials are planned for Elbert County, as indicated by the *West Elbert County Transportation Master Plan*.

**Building Envelopes** – Areas delineated by lines on the Final Plat which indicate areas where buildings are to be located.

**Collectors** – Roads that are meant to carry large traffic volumes and that are interconnected and continuous within a community.

**Critical Wildlife Habitat** – Lands identified by the Colorado Division of Wildlife as essential for the well being and health of wildlife. The Colorado Division of Wildlife will be consulted to further define critical wildlife habitat areas within the County.

**Migratory Corridors** – Routes used by wildlife to migrate from one area to another. Typically, these routes are along drainages, ridgelines, valleys, and in large areas of open land.

**No-Build Areas** – Areas delineated by lines on the Final Plat which indicate areas where buildings are not allowed.

**Open Space** – A classification of land in Elbert County obtained by approval of application or designation by right that; (1) has been preserved and protected by severance of development rights to a third party through purchase, conservation easement, dedication and/or donation to a public agency or land trust; or (2) upon application meets one or more of the purposes of open space set forth in the Elbert County Land Use Regulations, and will be preserved by future protection as approved in the application. Land that does not qualify as open space land is land; (1) whose development is otherwise restricted by zoning, regulation (such as setbacks, septic fields) or committed to alternative use (such as access easements, covenanted uses); or (2) open space, including green space easements which are not transferred to a third party, such as a land trust or governmental entity, including a metro district, will be allowed by exception only, and based on good cause shown.

Wetlands which meet the requirements under either the Colorado Wetlands Program, the Colorado Water Quality Control Act (CRS 25-8-101; et seq), or the Federal Clean Water Act (33 USC 1342), are also expressly identified here as qualifying open space even though such wetlands are subject to other restrictions (Elbert County Resolution Number 07-84, *Definition of Open Space Land and Land That Does Not Qualify as Open Space Land*).

Open space may include: parks, natural undisturbed land, trails, wildlife habitat and corridors, landscaped areas, creeks, drainages, historic farmsteads and structures, active recreation areas, passive recreation areas, land for grazing or crop cultivation, grasslands, and forested areas, intended for general public use.

**Planned Unit Developments (PUD)** – Custom zoning for a particular property which encourages innovative approaches to land uses, creative design of land uses, energy conservation, efficient use of open space, preservation of environmental conditions and compatibility with overall County objectives.

**Significant Natural Resources** - Significant natural resources include: forested areas, critical wildlife habitat, drainages, and wetlands, and historic, cultural, and archeological resources.

**Subdivision Improvement Agreement** – An agreement between the County and a developer to help ensure the installation of public improvements needed as a result of the development.

**Vision Clearance Triangle** - No fence, wall, hedge, vegetation, or other obstruction over 42” in height shall be erected, placed or maintained within a 25’ (40’ for collectors and arterials), visual clearance triangle formed by the property line, immediately adjacent to a street, road, or non-residential driveway. The vision clearance triangle shall be shown on the Planned Unit Development graphic, referenced in the Development Guide, and shown on the recorded final plat.



**PART II, SECTION 17:                    RC – RESIDENTIAL CORRECTED**

**This zoning category is to be omitted from these regulations and is no longer a viable rezone category. Any parcel currently zoned RC will be automatically rezoned based on the size of the parcel. RC zoning will be omitted from these Zoning Regulation following those zoning corrections.**

**PART II, SECTION 18:**

**USES PERMITTED BY SPECIAL REVIEW**

**A. INTENT**

The following uses may be permitted in the designated districts upon approval by the Board of County Commissioners, following a public notice and hearing as described in this Section and subject to such conditions and safeguards as may be imposed by the Board of County Commissioners in order for the uses to be in harmony with the character of the surrounding neighborhood and to comply with the general purpose of this Regulation. Uses by Special Review shall be permitted for a duration of time specified by the Board of County Commissioners or until the land use changes or is terminated, whichever occurs first. Each use will be reviewed annually, for verification of use and compliance with permit stipulations, if any. The review date will be the anniversary of the issue date or a date set by the Board of County Commissioners.

1. Agriculture recreational uses: Such facilities are to be designed and primarily used for equestrian and other activities of agriculture, education, entertainment and sporting purposes and may allow gate admission to be charged.
2. Aircraft related recreational facilities: Provided that such facilities are located so as not to present any conflict with surrounding residents, schools, churches, places of public assembly, power or transmission lines or any preexisting airport influence area.
3. Airports and heliports: Both must comply with all FAA restrictions and requirements. Airports must be located at least one thousand (1,000) feet from all property lines, measured from the ends and center point of the runway. Runways shall be so oriented that aircraft landing and taking off do not pass directly over dwellings, schools, churches or other places of public assembly. Heliports are to be located at least 1,000 feet from all property lines, measured from the center of the helipad, and at least 1,000 feet from existing residential uses.
4. Animal Shelters: All recommendations of the Colorado Department of Health, Department of Agriculture, Planning Commission or other appropriate agencies shall be complied with regarding feed, water, shelter, confinement, exercise and health care unless specifically waived by the Planning Commission and Board of County Commissioners of Elbert County.
5. Antenna support structures used non-commercially for radio, television reception, amateur and citizens band radio, cellular telephones and personal communication system uses.

## General Considerations:

- a. All antenna support structures shall meet all Elbert County setback requirements and the base of the structure shall be no closer to the property boundary than the height of the structure. All guy wires shall be placed on the applicant's property and must be protected from livestock, vehicles and pedestrians.
- b. Based on Federal Communications Memorandum, Opinion and Order PRB-1, local governments are allowed to promulgate and enforce restrictions that are needed only for safety or historic preservation, not for aesthetic conditions. Federal Communications Commission Memorandum, Opinion and Order PRB-1 are incorporated herein by reference.
- c. Subdivision Codes, Covenants and Restrictions shall not be abrogated by Elbert County Zoning Regulations.
- d. **FOR ANTENNA SUPPORT STRUCTURES FROM 20 TO 75 FEET ABOVE GROUND LEVEL:**

Antenna support structures are permitted as an accessory use "by right" of the zoning district.

Prior to erection of any antenna support structure from 20 to 75 feet, a building permit shall be obtained. To obtain a building permit the applicant shall:

1. Present a site plan, which shows the proposed location of the antenna support structure and its relationship to existing or proposed buildings, driveways, public roadways and overhead electric or telephone utility lines. The site plan must be drawn to an indicated scale, but need not be prepared by an architect or engineer.
  2. Drawing(s) of the proposed antenna support structure showing details of the base foundation, guy wire details (if applicable), anchor and base grounding details and safety features such as "anti-climb" and "danger - watch for wires" signs. Manufacturer supplied drawings containing the above information are acceptable.
- e. **FOR ANTENNA SUPPORT STRUCTURES FROM 75.01 TO 120 FEET ABOVE GROUND-LEVEL:**

Applications for antenna support structures in the height category of 75.01 to 120 feet shall be subject to an "Administrative Special Use Review".

The Administrative Special Use Review process shall be as follows:

1. The applicant shall meet with the Community and Development Services informally to discuss the request and determine the requirements.
2. A formal application shall be submitted to Community and Development Services and shall consist of the following:
  - a) A completed application form.

- b) Proof of ownership of the land on which the application is requested.
- c) Application fee - see current fee schedule.
- d) A Narrative addressing the following issues:
  - 1) Certification by a Registered Professional Engineer that the proposed installation meets the requirements of the Uniform Building Code and the National Electric Code with respect to grounding.
  - 2) Name and address of the owner(s) if different than the applicant, along with an Elbert County "Disclosure Form".
- e) Site Plan Exhibit
  - 1) Present a site plan, which shows the proposed location of the antenna support structure and its relationship to existing or proposed buildings, driveways, public roadways and overhead electric or telephone utility lines. The site plan must be drawn to an indicated scale showing north arrow and prepared on an 8-1/2" X 11" minimum sheet, name of person preparing plan and a vicinity map showing the surrounding area within a 2-mile radius but need not be prepared by an architect or engineer.
  - 2) Drawing(s) of the proposed antenna support structure showing details of the base foundation, guy wire details (if applicable), anchor and base grounding details and safety features such as "anti-climb" and "danger - watch for wires" signs. Manufacturer supplied drawings containing the above information are acceptable.
  - 3) Community and Development Services shall review the application within ten (10) working days.
  - 4) Upon receiving notification from Community and Development Services that the application is complete, the applicant shall mail the following notice by certified return receipt mail to owners of property adjacent to, and within five-hundred feet (500'), of the property as shown in the records of the office of the Elbert County Assessor. The notice shall be mailed at least fifteen (15) days prior to the action date.

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## NOTICE OF ACTION

### “Special Use Review for \_\_\_\_\_.”

“Notice is hereby given that on \_\_\_\_\_ (day of week) \_\_\_\_\_ (date/month), 20\_\_ at \_\_\_\_\_ (time - AM/PM) the Community and Development Services Director will act upon the Special Use Review application on file with the Elbert County Community and Development Services, Kiowa, CO, 303-621-3136 by \_\_\_\_\_ (name of applicant) pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately \_\_\_\_\_ (distance and direction from nearest major intersection). Any comments must be submitted in writing to the Elbert County Community and Development Services, P.O. Box 7, Kiowa, CO 80117, by \_\_\_\_\_ (date).”

Project name and number:

Legal description of property:

Reason:

Date of application:

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- 5) At least five (5) days prior to the action date the applicant shall submit to Community and Development Services:
  - a) The white postal receipts from the notices mailed.
  - b) A copy of the notice mailed.
  - c) An alphabetical list and a map illustrating the location and proximity of owners of property adjacent to, and within five-hundred feet (500'), of the property under consideration.
- 6) By the action date the applicant must submit, to Community and Development Services, the green postal receipts.
- 7) Any party wishing to object to the decision made by Community and Development Services shall file their objection(s) within fifteen (15) days from the action date. The letter of appeal will be submitted to Community and Development Services. Community and Development Services will forward the appeal to the Board of County Commissioners.

f. FOR ANTENNA SUPPORT STRUCTURES HIGHER THAN 120.1 FEET:

Applications for antenna support structures whose height exceeds 120 feet shall be subject to the regular applicable “Special Use Review” procedures.

If applicable, evidence must be presented indicating that the proposed structure meets the requirements of the Federal Communications Commission and the Federal Aviation Administration.

6. Automobile service stations with gasoline pumps.
7. Banks with drive-in facilities.
8. Bird Foundation and Rescue.
9. Caretaker residence.
10. Cellular Communications Facilities Special Use Review Approval Standards
  - a. Intent - To provide Special Use Review approval standards for cellular communication facilities to ensure compatibility with surrounding development and environment and compliance with the Elbert County Master Plan. Appropriate siting of cellular communication facilities will positively influence community property values while ensuring compatibility with surrounding uses and help protect the environment. The unique and diverse landscapes of Elbert County are among its most valuable assets. Protecting these assets will require that location and design of cellular communication facilities be sensitive to, and in scale and harmony with, the character of the landscape of Elbert County.

A cellular communication facility is defined as a low-power, unmanned facility providing wireless telecommunication including, but not limited to, paging, enhanced specialized mobile radio (ESMR), personal communications service, (PCS), commercial radio service (CMRS), cellular telephone and similar technologies within a network of interconnected sites.

- b. General policies - Facilities should be located in the following order of preference:
  - 1) Existing structures, e.g. buildings, communication towers, water towers, smokestacks, windmills, silos, sign structures and light standards.
  - 2) In locations where the existing topography, vegetation, buildings or other structures provide the greatest amount of screening or backdrop.
  - 3) On more visible sites where screening or buffering is difficult at best.

No more than three (3) antenna support structures should be located in proximity to each other in any part of Elbert County, so as to have the least visual impact on the surrounding area, while still allowing the facility to function consistent with its purpose. Exceptions will be granted only under extraordinary circumstances.

- c. General Approval Standards - The Special Use Review will be approved upon the finding that:
  - 1) The facility is architecturally and visually (color, bulk, size, etc.) compatible with surrounding land uses, buildings, structures and vegetation in the area or those likely to exist under the terms of the underlying zone district.
  - 2) The highway corridor viewshed, defined as the area ½ mile on either side of State Highway 86, State Highway 24 or Interstate 70 or surrounding residential view corridors or special landforms have been preserved.

- 3) The facility is designed to be compatible with the surrounding areas and does not dominated the landscape.
  - 4) The facility is not a dominant silhouette on a ridge line.
  - 5) Existing vegetation has been preserved or improved and disturbance of the site has been minimized unless such disturbance to vegetation and topography results in less visual impact to the surrounding area.
  - 6) The applicant has demonstrated that the proposed site fits into the overall network of service that is provided by the applicant.
  - 7) The facility meets the definition of utility service facility-cell site and other applicable standards of the zone district of which it is located.
  - 8) A landscaping plan and/or solid wood fence may be required to screen or buffer a structural tower.
- d. Abandonment - The facility owner shall notify Elbert County Community and Development Services with a letter of confirmation every 180 days that the facilities are in use. The facility owner will remove cellular communication facilities that are not in use for 180 days for cellular communication purposes. This removal shall be restored to blend in with the existing surrounding landscape and vegetation. Failure to comply with this portion of the Regulations will subject the facility owner to the then current zoning violation fee.
- e. Special Use Review Requirements - All of the special use review requirements and procedures contained in Part II, Section 17 will be followed, except for antennas and whip antennas that will have their own Administrative Special Use Review process. Note: this process is not for support structures or towers.

The following administrative process will be used for antennas and whip antennas covered under Part II, Section 17, item 8:

- 1) The Board of County Commissioners will delegate the review and approval of certain antenna Special Use Reviews to an administrative process to be conducted within Community and Development Services
- 2) The following specific conditions must be met in order to apply for and Administrative Antenna Special Use Review:
  - a) All of the requirements and standards of approval for antennas contained in Part II, Section 17, item 8 must be met – no exceptions will be allowed for the administrative process.
  - b) No change in zoning will take place on either property.
- 3) The applicant will be responsible for the following documentation and fees:
  - a) Completed Land Use Application for applicable sections, signed by property owners and where applicable, the tower owner.
  - b) An application fee must be paid as is appropriate at the time of submittal.
  - c) Narrative, which contains:
    - Description of antenna.
    - General description of antenna.
    - Purpose of antenna, is it part of network, etc.
    - Proof of ownership.

- d) Site plan showing: size and shape of antenna, where support structure/antenna is located in Elbert County and where antenna is located on tower and the relationship to other antennas on the tower. The Site Plan shall be a minimum of 24" x 36" and meet the requirements of a Site Plan in Part II, Section 17, C, 2, b, 2, with the exception that the signature block for the Planning Commission will be replaced with the following:

Community and Development Services:

This Special Use Review was reviewed by and recommended for approval by ~~the~~ Elbert County Community and Development Services on the \_\_\_\_\_ day Of \_\_\_\_\_ year \_\_\_\_\_, A.D.

\_\_\_\_\_  
Community and Development Services Director

- e) Public Notice – Upon receiving notification from Community and Development Services that the application is complete, the applicant shall mail the following notice by certified return receipt mail to owners of property adjacent to and within 500 feet of the property as shown in the records of the Office of the Elbert County Assessor. The notice shall be mailed at least fifteen (15) days prior to the action date.

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### **“NOTICE OF ACTION”**

#### **Administrative Special Use Review for an Antenna**

“Notice is hereby given that on \_\_\_\_\_ (day of week), \_\_\_\_\_ (month and date), 20\_    AM/PM the Administrative Special Use Hearing Officer will act upon the Administrative Special Use application on file with ~~the~~ Elbert County Community and Development Services, Kiowa, CO 303-621-3136, by AM/PM the Administrative Special Use Hearing Officer will act upon the Administrative Special Use application on file with ~~the~~ Elbert County Community and Development Services, Kiowa, CO 303-621-3136, by \_\_\_\_\_ (name of applicant), pursuant to the current Elbert County Regulations. The affected property is located approximately \_\_\_\_\_ (distance and direction for nearest major intersection). Any comments must be submitted in writing to ~~the~~ Elbert County Community and Development Services, P.O. Box 7, Kiowa, CO 80117, by \_\_\_\_\_ (date).”

Project name and number: \_\_\_\_\_  
Legal description of property: \_\_\_\_\_  
Reason: \_\_\_\_\_  
Date of application: \_\_\_\_\_

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- f. Approval Standards in the A, A-1, A-2 and AR Zone Districts - The following standards shall apply to facilities located in the Agriculture (A), Agricultural-One (A-1), Agricultural-Two (A-2) and the Agricultural Residential zone districts.
- 1) Support Structures (A, A-1, A-2 & AR) - Support structures will be allowed when:
    - a) Located outside the Highway Corridor Viewshed, defined as 1/2 - mile on either side of State Highway 86, State Highway 24 or Interstate 70.
    - b) The facility is designed to be compatible with the surrounding uses and does not dominate the landscape. Landscaping and/or a solid wood fence may be required.
    - c) The structure is not a dominant silhouette on a ridgeline
    - d) Surrounding residential view corridors or special landforms have been preserved.
    - e) The existing topography and vegetation provide the greatest amount of screening/backdrop possible on the site.
    - f) The existing vegetation has been preserved or improved and disturbance of the site has been minimized unless such disturbance to vegetation and topography results in less visual impact to the surrounding area.
    - g) The structure is located at least fifty feet (50') from the property line, or the base of the structure is no closer to the property boundary than the height of the structure, whichever is greater.
  - 2) Antennas - Panels, Arrays, Dishes (A, A-1, A-2, AR)  
Antennas are allowed as follows:
    - a) In the Highway Corridor Viewshed provided they are:
      - 1) Disguised in an architecturally appropriate manner consistent with the surrounding rural structures, e.g., windmills, artificial trees, etc.
      - 2) Placed on or within a structure, e.g., barn, silo, etc.
      - 3) Mounted on an existing telecommunication tower or cell site or mounted on an existing public utility structure. (However, on single-pole structures less than 24-inches (24") in diameter, the antenna must be mounted directly to the pole without sectorized platforms.)
    - b) Outside the Corridor Viewshed provided they are:
      - 1) Placed on or within a structure, e.g., barn, silo, etc.
      - 2) Mounted on an existing telecommunication tower or cell site.
      - 3) Mounted on an existing public utility structure. (However, on single-pole structures less than twenty-four (24") inches in diameter, the antenna must be mounted directly to the pole without sectorized platforms.)
      - 4) Mounted below the tree line as viewed from the roads/residences or mounted on a support structure in accordance with Item f: Support Structures.
  - 3) Antennas - Whip (A, A-1, A-2, AR)

Whip antennas are:

- a) Allowed on structures, existing telecommunication towers, cell sites or utility facilities.
  - b) Allowed to project above the roofline of structures.
  - c) May exceed the height limitation of the district but be no more than ten percent (10%) of the support structure height.
- 4) Accessory Equipment - All accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by Community and Development Services. Setbacks and height limitations of the zone district shall apply.
- g. Approval Standards (RA-1, RA-2, R-1, R-2, MF, , PUD) - The following standards shall apply to the facilities located in the Residential Agricultural-One (RA-1), Residential Agricultural-Two (RA-2), Residential-One (R-1), Residential-Two (R-2), Multi-Family (MF), and Planned Unit Development (PUD) zoning districts.
- 1) Support Structures: Support structures (towers) are not permitted
  - 2) Antennas - Panels, Arrays, Dishes (RA-1, RA-2, R-1, R-2, MF, , PUD)  
Antennas are allowed as follows:
    - a) Placed on/within a structure except on pitched roofs (e.g., house, church, day care facility, fire station, hospital, recreational center, school, etc.). Antennas shall not project above the parapet unless mounted on a penthouse or are totally screened by materials that are compatible with the existing building or structure.
    - b) Mounted on an existing telecommunication tower or cell site or mounted on an existing public utility structure. (However, on single-pole structures less than twenty-four inches [24"] in diameter the antenna must be mounted directly to the pole without sectorized platforms).
  - 3) Antennas - Whip (RA-1, RA-2, R-1, R-2, MF, PUD) - Whip type antennas are allowed:
    - a) On structures, existing telecommunications towers, cell sites or utility facilities.
    - b) Above the roofline of structures except on pitched roofs, unless on the ridge and may exceed the height limitation of the district but by no more that 10% of the height of the structure that the whip antenna is mounted on.
  - 4) Accessory equipment - All accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by Community and Development Services. Setbacks and height limitations of the zone district shall apply.
- h. Approval Standards: Business (B)/Commercial (C) Zone Districts - The following standards shall apply to facilities located in the Business and Commercial zone districts:
- 1) Support Structures (B, C)
  - 2) Support structures (towers) are not permitted.
  - 3) Antennas - Panels, Arrays, Dishes (B, C) - Antennas are allowed as follows:

- a) Placed on or within a structure, except on pitched roofs (e.g., clock tower, parapet, penthouse or cupola, etc.). Antennas shall not project above the parapet unless mounted on a penthouse or are totally screened by materials that are compatible with the existing building or structure.
  - b) Mounted on a light standard (must be mounted directly to the pole without sectorized-type platform)
  - c) Mounted on an existing telecommunication tower or cell site or mounted on an existing public utility structure (however, on single-pole structures less than twenty-four inches [24"] in diameter, the antenna must be mounted directly to the pole without sectorized platforms.
- 4) Antennas - Whip (B, C) - Whip antennas are:
  - a) Allowed on structures, existing telecommunication towers, cell sites or utility facilities.
  - b) Allowed to project above the roofline of structures, except pitched roofs unless on a ridge and may exceed the height limitation of the district, but, by no more than ten percent (10%) of the height of the structure that the whip antenna is mounted on.
- 5) Accessory equipment - all accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by Community and Development Services. Setbacks and height limitations of the zone district shall apply.
- i. Design Standards - LI/GI Zone Districts - The following standards shall apply to facilities located in the Light Industrial and General Industrial zone districts:
  - 1) Support Structures (LI, GI)  
Support structures (towers) shall be allowed when:
    - a) Located outside the Highway Corridor Viewshed as defined previously in Item f, 1.
    - b) The facility is designed to be compatible with the surrounding uses and does not dominate the landscape.
    - c) The structure is not a dominant silhouette in a ridgeline.
    - d) The existing topography and vegetation provide the greatest amount of screening/backdrop possible on the site.
    - e) The existing vegetation has been preserved or improved and disturbance of the existing topography of the site has been minimized unless such disturbance results in less visual impact to the surrounding area.
    - f) The structure does not exceed fifty feet (50') in height and engineered support structures are in compliance with the zone district setbacks (towers shall be placed no closer to the property line than the height of the tower).
  - 2) Antennas- Panels, Arrays, Dishes (LI/GI) - Antennas are allowed as follows:
    - a) Placed on or within a structure, except on pitched roofs (e.g. clock

tower, parapet, penthouse, cupola, batch plant, silo, etc.). Antennas shall not project above the parapet unless mounted on a penthouse or are totally screened by materials that are compatible with the existing building or structure

- b) Mounted on a light standard (must be mounted directly to the pole without sectorized-type platform).
  - c) Mounted on an existing telecommunication tower or cell site.
  - d) Mounted on an existing public utility structure (however, on single-pole structures less than twenty-four inches [24"] in diameter the antennas must be mounted directly to the pole without sectorized platforms) or mounted on a support structure in accordance with Item i.
- 3) Antennas - Whip (LI/GI)
- a) Allowed on structures, existing telecommunication towers, cell sites or utility facilities.
  - b) Allowed to project above the roofline of structures, except on pitched roofs or on a ridge and may exceed the height limitation of the district by no more than ten percent (10%) of the support structure height.
- 4) Accessory Equipment - all accessory equipment shall be concealed within a structure or screened by vegetation, fencing or another manner approved by Community and Development Services. Setback and height limitations of the zone district shall apply.

- 11. Cemeteries.
- 12. Chemical storage, transfer and disposal facilities. Provided such use complies with all State and Federal Regulations and is located at least five hundred (500) feet from all property lines.
- 13. Churches, church schools and rectories. Provided that such uses are located at least fifty (50) feet from all property lines and adequate off-street parking is made available.
- 14. Commercial feed yards: Provided that such uses are located at least five hundred (500) feet from all property lines and comply with State Regulations as to runoff and stream pollution.
- 15. Commercial poultry farms, fur farms: Provided that all uses are located at least one hundred (100) feet from all property lines.
- 16. Commercial storage area: Must be concealed by a solid fence at least six (6) feet in height.
- 17. Concrete, asphalt and mortar batching plants.
- 18. Convenience stores with gasoline pumps.
- 19. Fast food establishments with drive-in facilities.

20. Firing ranges: Provided that use is located at least one hundred feet (100') from all property lines with sound abatement and projectile safeguards.
21. Group homes: The following administrative process will be used for a Group Home for eight (8) or less persons:
- a. The Board of County Commissioners will delegate the review and approval of Group Homes covered under State or Federal Statutes for eight or less persons to an administrative process to be conducted within Community and Development Services.
  - b. The applicant will be responsible for the following documentation and fees:
    - 1) Completed land use application for applicable sections
    - 2) Narrative which contains:
      - Type of group home
      - Proposed number of residents
      - Description of the home, number of bedrooms, bathrooms and any other special features
      - Zoning of the property
      - Proof of ownership
    - 3) A letter from the appropriate Fire District indicating compliance with applicable fire codes.
    - 4) Application fee - see current fee schedule.
  - c. Elbert County Community and Development Services will be responsible for the referral to the Elbert County Assessor.
  - d. Elbert County will grant an Administrative Special Use Review permit after review of submitted documentation and a determination of completeness. The applicant will provide Elbert County Community and Development Services with a copy of the license or certificate for a group home from the appropriate State agency within thirty (30) days of approval of said license.
  - e. The permit is subject to the normal annual review by Elbert County and may be terminated if approval conditions change or are violated and/or if the State does not renew the appropriate license or certificate.
  - f. Any group home with more than eight residents will be subject to the regular Special Use Review.
22. Greenhouses and wholesale plant nurseries.
23. Horse breeding and boarding stables in excess of ten (10) animal units: Provided that all related structures are located at least one hundred (100) feet from all property lines.
24. Hospitals, nursing and convalescent homes, and extended care facilities.
25. Kennels (commercial and private): Provided that all uses are located at least one hundred (100) feet from all property lines.

26. Major facilities of a public utility: Provided such uses comply with the following:

a. Transmission Lines

- 1) Transmission Lines may not be constructed within 1/4 mile of an existing residential subdivision, town or agricultural development or within a treed area.
- 2) Locations on hilltops or ridgelines are discouraged.
- 3) At all stream crossings designated on the Elbert County Flood-plain maps as a one hundred (100) year flood-plain area, the line must be constructed in such a manner that the transmission line cannot be severed by the impact of flood waters on the support structures in the flood-plain areas. A 404 permit from the U.S. Army Corps of Engineers may be required when appropriate.
- 4) The application must include results of an on-site survey of the proposed location to determine if any wetlands, as shown on the National Wetlands Inventory Maps, will be negatively impacted and a proposed program of mitigation of the impact made available.
- 5) The applicant shall submit a complete analysis of the proposed facilities which shall include the advantages and disadvantages of any alternative routes or sites considered. The applicant must include in the analysis the projected costs of the alternative routes or sites, including the comparative costs of operation over a twenty (20) to thirty (30) year period of operation, and the comparative effect of such costs of required facilities on County residents and utility consumers.
- 6) Exceptions may be granted when deemed appropriate by the Elbert County Planning Commission and the Board of County Commissioners.

b. Substations

- 1) May not be located within one (1) mile of an existing subdivision, town or agricultural development.
- 2) Circumstances may exist when substations may be located within the one (1) mile limitation from an existing subdivision when deemed appropriate by the Elbert County Planning Commission and the Board of County Commissioners but more stringent requirements may be stipulated.
- 3) Locations on hilltops or ridgelines are discouraged.
- 4) In flood-plain areas, substation location must maintain a setback of two hundred fifty feet (250') or ten (10) vertical feet above the maximum one hundred (100) year flood water elevation, whichever is greater.
- 5) All substation components must meet any National Electric Safety Code Regulations.
- 6) Landscaping and berming will be required and must achieve a significant amount of screening within a reasonable amount of time. This will be considered on a case-by-case basis.

c. A Special Use Review will be required in the following zones if an overhead distribution line is proposed: All residential zones, MF, B, C, LI, GI, PUD.

27. Mining, quarries, sand and gravel operations, oil drilling operations and similar extractive and exploratory land uses: Provided such uses comply with:
  - a. A minimum five hundred (500) foot setback from any exterior property lines.
  - b. All requirements by the State of Colorado, including, but not limited to, air quality permits, plans for phasing and reclamation.
  - c. All requirements by the State of Colorado and Elbert County protecting water quality.
  - d. All requirements by the Elbert County Road and Bridge Department.
  - e. Any additional requirements and special considerations made by the Board of County Commissioners and/or Planning Commission.
28. Mobile homes for the occupancy of owners, lessees or operators of an operating agricultural unit. Provided that no more than one mobile home shall be allowed per tract of land under one ownership. The owner of the mobile home shall be either the owner or lessee of the entire tract of land upon which the mobile home is located.
29. Motels and hotels, including conference and convention centers and other incidental accessory uses located within the principal building.
30. Non-domestic, exotic animals: Provided that a security fence surrounds the enclosures to prevent the animals from leaving the premises. The applicant should contact the Denver Zoo Curator and State Division of Wildlife to determine the enclosure size needed and any special conditions for species on the site. Each enclosure should have adequate water and drainage.
31. Nursery schools and day-care centers: Provided that such uses shall be situated on a lot of not less than ten thousand (10,000) square feet and that a solid fence or wall six (6) feet in height shall completely enclose the yard used for playground purposes.
32. Oil and gas drilling operations: Such uses comply with requirements established by the Board of County Commissioners in review of the application.
33. Overhead or above ground construction or installation of any utility distribution and/or service line in platted subdivisions.
34. Pet cemetery, Commercial
35. Police training facilities.
36. Portable saw mills: Such uses must be located at least one hundred (100) feet from all property lines.
37. Private riding academies operated for the benefit of members only and not for monetary gain.
38. Public and private schools, colleges and universities, related facilities, private recreational

uses, country clubs, and other private clubs operated for the benefit of members only and not for monetary gain, golf courses and public and private campgrounds: All structures within these districts to be located at least fifty (50) feet from all property lines.

39. Public, private and multiple use wastewater treatment and water storage for domestic use in excess of five thousand (5,000) gallons: Provided that such uses are located at least one hundred (100) feet from the property lines (not including septic tanks serving single residential dwelling units). A special task force consisting of the Elbert County Soil Conservation Service, the Community and Development Services Director, Elbert County Health Department and the Colorado Department of Health shall review all applications for location and ability to serve as per local and State standards.
40. Raceways: Provided that such uses do not conflict with existing residential areas and adequate off-street parking is available.
41. Radio, television and telephone transmitting stations. Provided the height of any tower or structure is at least equal to the distance of all property lines.
42. Religious retreat.
43. Resort lodges and guest ranches, including resort cabins: Provided such uses are connected to one (1) water and sanitation system.
44. Restaurants and other eating establishments with drive-in facilities.
45. Second Residence: A second residence, either a part of or separate from the primary residence, may be approved. Parcels less than 10 acres must provide central water. Parcels less than 5 acres must provide-central sewer and water to the site.
46. Solid waste disposal sites and facilities.

- a. Phase I and Phase II will follow the procedure outlined in C. of this chapter.

Phase I shall include, but not be limited to, information on impacts on the surrounding land uses, access and traffic impact, conformance with requirements of the Elbert County Zoning and Subdivision Regulations and conformance with policies of the Elbert County Master Plan.

After approval by Board of County Commissioners, application is forwarded to State Health Department. After approval is received from the State Health Department, applicant progresses to Phase II.



Phase II shall include, but not be limited to, information on:

- 1) Soils and Geology
  - a) Type, class, composition and thickness of soils on the site.
  - b) Representative horizontal and vertical permeabilities of the soils present at the site.
  - c) Type of bedrock.
  - d) Geologic structures.
  - e) Geologic and topographic hazards.
- 2) Hydrography and Hydrology
  - a) Lakes, streams, springs or wetlands on or near site.
  - b) Depth to top of uppermost aquifer; existing on-site water quality based on quarterly groundwater monitoring of the uppermost aquifer one (1) year prior to date of operation. Data should include at a minimum: specific conductance, pH, total organic carbon, calcium, iron, chloride, sulfate and nitrate.
  - c) Hydrologic properties of uppermost aquifer, including flow directions, potentiometric surfaces and flow rates.
  - d) Depth, water level and water quality of domestic wells within one (1) mile of property boundary, or as may be otherwise specified.
- 3) Operating Plan
  - a) Names, qualifications and communication contact data of persons responsible for the facility who will be available at all times to ensure safe operations and have the authority to take corrective action in the event of noncompliance.
  - b) Hours of operations.
  - c) Types and daily volumes of waste expected.
  - d) Projected life of the facility.
  - e) Number, classification and job descriptions of personnel to be employed at facility.
  - f) List and description of equipment to be used at facility, including haul vehicles.
  - g) System of records to be maintained, including provisions for State and County waste disposal fees.
  - h) Frequency of application, type and quantity of cover.
  - i) Provisions to minimize nuisance conditions on site.
  - j) Provision and procedures for retrieval of windblown waste on and off site.
  - k) Plans which can be put into effect should water contamination occur or when nuisance conditions are confirmed off site.
  - l) Signage plan to clearly mark entrance to site, provide name and phone number of operator, list types of material accepted, schedule of charges and any other necessary information.
  - m) List of wastes that will not be accepted at the site.
  - n) Designation of haul routes to and from the site.
  - o) Provisions for monitoring incoming waste stream.
  - p) Schedule of charges.

- q) Frequency of groundwater monitoring and parameters which will be tested.
- r) Frequency of flammable gas monitoring.
- s) Itemized cost estimates for weekly site operation in compliance with all operating conditions.
- t) Itemized cost estimates for remedial actions to correct environmental damages.
- 4) Closure Plan
  - a) Plan for final closure of the facility, including type and thickness of final cover material, landscaping, proposed post-closure use for the site, maintenance plan for the post-closure period and ultimate long-term responsibility for the property, including mitigation of any environmental damage.
  - b) Itemized cost estimate for facility closure in accordance with the closure plan.

Fees: See current Fee Schedule.

Phase I: See current Fee Schedule (additional fees may be required in paragraph C, 2, c of this chapter).

Phase II: See current Fee Schedule (additional fees may be required in paragraph A, a, 20 or A, b, 20 of this chapter.)

A per ton tipping fee as determined by the Board of County Commissioners.

- b. **REGIONAL SOLID WASTE DISPOSAL SITES** and facilities may be considered and permitted for Special Use provided that the following criteria are met by the applicant:
  - 1) Phase I of the application and uses requested will be processed prior to the submittal of the application and uses to the Colorado Department of Health. Phase II, final approval, for the Special Use is conditional upon approval of the application and uses by the Colorado Department of Health.
  - 2) The application and uses requested must be in compliance with the Elbert County Master Plan.
  - 3) Any operation area of solid waste disposal site and facilities shall be located a minimum distance of five hundred feet (500') from any and all property lines of the site. The facility should be constructed in such a manner as to minimize visual impact during operation by using berms or natural plantings. Elevation of the site at closing should be consistent with the original reclamation plan.
  - 4) Transportation route from the service areas to the site area may only be by way of the following roads: Elbert County Road 194, State Highway 86 or 24, Interstate 70, or as designated by the Board of County Commissioners.

- 5) Road access from the transportation route to the site boundary must be by way of road constructed or improved to the specifications of a major collector, as defined in the Elbert County Road and Bridge specification standards.
- 6) No portion of the site boundary may be closer than three (3) miles to a subdivision or town and must be at least one-half (1/2) mile and/or not visible from any State road or highway as defined in (4) above.
- 7) The road access from the transportation route to the site area may not travel through residential subdivisions.
- 8) No treed area disturbance will be permitted.
- 9) All active working faces of the landfill must be enclosed with a perimeter fence no less than ten (10) feet in height and having no mesh opening larger than six (6) inches square. The entire site boundary must be enclosed with a fence no less than six (6) feet in height having a mesh opening no larger than sixteen (16) inches square.
- 10) Elbert County encourages the recycling of readily recyclable materials such as paper products, aluminum, ferrous materials, recoverable plastic containers, glass, tires and other materials. A recovery program outlining a process of recycling at least twenty-five percent (25%) of the above-mentioned items should be included in the application or submit proof that such a program is unfeasible.
- 11) Site location will be consistent with the Elbert County Master Plan, and reference Landfill Proposal Boundaries Map of 4/90.
- 12) Must comply with all Federal and State regulations, rules and policies.
- 13) Applicants shall encourage the use of biodegradable waste containers.
- 14) The applicant shall provide a complete landscape plan for all entrances, parking areas or structures to insure the attractiveness of the site and compatibility with the surrounding area. All improvements must be completed within thirty (30) days of the site opening.
- 15) Based upon the type and size of the operation, the County will participate in a revenue sharing proposal with the operator. The applicant should include a compensation plan, which identifies anticipated income to the County over the life of the facility. The plan should include provisions to meet requirements of the fire district or Fire Marshall, whichever services the site.
- 16) Submit a quarterly report to the County summarizing the operation, including:
  - a) tonnage of waste taken in
  - b) gross revenue
  - c) copies of monitoring tests
  - d) a list of the amount and type of materials recycled
- 17) The applicant, upon his showing of good and compelling cause(s), may receive an exemption to one (1) or more of the criteria set forth above upon the recommendation of the Planning Commission for the exemption and upon approval of the recommendation of the Planning Commission by the Board of County Commissioners.

- 18) Additional requirements may become necessary if a proposed development creates significant impacts above and beyond the norm. Such requirements shall have no defined standards, but will be evaluated on a case-by-case basis by affected agencies and the Board of County Commissioners. In no event shall the dedication fees exceed twenty (20%) percent of the gross acreage.
  - 19) Prior to the referral of the recommendations of the Board of County Commissioners regarding Phase I to the State Health Department, all fees must be paid, in full, for Phase I.
- c. LOCAL SOLID WASTE DISPOSAL SITES and facilities may be considered and permitted for Special Use provided that the following criteria are met by the applicant:
- 1) Phase I of the application and uses requested will be processed prior to the submittal of the application and uses to the Colorado Department of Health. Phase II, final approval, for the Special Use is conditional upon approval of the application and uses by the Colorado Department of Health.
  - 2) The application and uses requested must be in compliance with the Elbert County Master Plan.
  - 3) Any operation area of solid waste disposal site and facilities shall be located a minimum distance of two hundred fifty (250) feet from any and all property lines of the site. The facility should be constructed in such a manner as to minimize visual impact during operation by using berms or natural plantings. Elevation of the site at closing should be consistent with the original reclamation plan.
  - 4) The transportation route from the service areas to the site area must be a major collector or greater as defined in the Elbert County Road and Bridge specifications standards.
  - 5) Road access from the transportation route to the site boundary must be by way of a road constructed or improved to the specifications of a rural and residential collector as defined in the Elbert County Road and Bridge specification standards.
  - 6) No portion of the site boundary may be closer than two (2) miles to a residential subdivision or town and must be at least one-half (½) mile and/or not visible from any nearby state road or highway.
  - 7) The road access from the transportation route to the site area may not travel through residential subdivisions.
  - 8) No treed area disturbance will be permitted.
  - 9) All active working faces of the landfill must be enclosed with a perimeter fence no less than ten (10) feet in height and having no mesh opening larger than six (6) inch square. The entire site boundary must be enclosed with a fence no less than six (6) feet in height having a mesh opening no larger than sixteen (16) square inches.

- 10) Elbert County encourages the recycling of readily recyclable materials such as paper products, aluminum, ferrous materials, recoverable plastic containers, glass, ties and other materials. A recovery program of these items should be included in the application or submit proof that such a program is unfeasible.
  - 11) Site location will be consistent with the Elbert County Master Plan.
  - 12) Must comply with all Federal and State regulations, rules and policies.
  - 13) Applicants shall encourage the use of biodegradable waste containers.
  - 14) The applicant shall provide a complete landscape plan for all entrances, parking areas or structures to insure the attractiveness of the site and compatibility with the surrounding area. All improvements must be completed within thirty (30) days of the site opening.
  - 15) Based upon the type and size of the operation, the County will participate in a revenue sharing proposal with the operator. The applicant should include a compensation plan which identifies anticipated income to the County over the life of the facility. The plan should include provisions to meet requirements of the fire district or Fire Marshall, whichever services the site.
  - 16) Submit a quarterly report to the County summarizing the operation, including:
    - a) tonnage of waste taken in
    - b) gross revenue
    - c) copies of monitoring tests
    - d) a list of the amount and type of materials recycled
  - 17) The applicant, upon his showing of good and compelling cause(s) may receive an exemption to one (1) or more of the criteria set forth above upon the recommendation of the Planning Commission for the exemption and upon approval of the recommendation of the Planning Commission by the Board of County Commissioners.
  - 18) Additional requirements may become necessary if a proposed development creates significant impacts above and beyond the norm. Such requirements shall have no defined standards, but will be evaluated on a case-by-case basis by affected agencies and the Board of County Commissioners. In no event shall the dedication fees exceed twenty (20%) percent of the gross acreage.
  - 19) Prior to the referral of the recommendations of the Board of County Commissioners regarding Phase I, to the State Health Department, all fees must be paid in full for Phase I.
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46. Temporary construction offices – Administrative Special Use approval similar to Group Homes, bonding may be required.
  47. Temporary offices – Administrative Special Use approval similar to Group Homes, bonding may be required.
  48. Theaters - indoor.

49. Uses associated with State and County road construction projects, may be exempted from the Special Use Regulations by the Board of County Commissioners, within the contract process and only for the length of the project.
50. Veterinary clinics and hospitals: Provided that such uses are located one-hundred (100) feet from all property lines.
51. Wind generators.
52. Other uses that may be deemed necessary by Community and Development due to their unique situation and/or circumstances.

**B. GENERAL REQUIREMENTS**

1. All special use review permits will be reviewed annually or within a specified time as determined by the Board of County Commissioners. Community and Development Services will review the permit for verification of allowed use and compliance with stipulations, if any.

If a permit is found to be in violation of stipulations, or the use has changed or has been discontinued, Community and Development Services may request a public hearing with either or both the Planning Commission and the Board of County Commissioners, to determine the validity of the permit in regard to modification, continuation or termination.

2. The commencement of the Special Use must occur within the first year or within a specific time period as determined by the Board of County Commissioners. Failure to initiate the allowed use may be cause for termination of the Special Use Permit.
3. The provisions and uses outlined in this section shall not apply to the Planned Unit Development (PUD) zone. Provisions for these uses shall be contained in an approved Development Guide as described in Part II, Section 18 of these Regulations.
4. If the yard requirements for the zone in which the proposal is located are greater than the yard requirements stated in this section the greatest distance shall govern.
5. Outdoor storage areas shall be concealed by a solid wall or chain link fence with slats at least six (6) feet in height unless otherwise provided for by this section.
6. Expansion or changes to an existing facility would constitute a new application.

7. The following criteria shall be considered by the Planning Commission and the Board of County Commissioners in reviewing all Special Use Review applications:
  - a. Whether the proposed Special Use complies with the requirements of the Elbert County Master Plan, Elbert County Zoning Regulations and the Elbert County Subdivision Regulations.
  - b. Whether the proposed Special Use is in harmony and compatible with the surrounding area and neighborhood.
  - c. Whether the proposed Special Use will adversely impact the provision of public services.
  - d. Whether the proposed Special Use will adversely impact the environment.
  - e. Whether the proposed Special Use will increase traffic congestion or burden the existing road system.
  - f. Whether the proposed Special Use will be adequately landscaped, buffered and screened.
  - g. Whether the proposed Special Use will not otherwise be detrimental to the health, safety or welfare of the present or future inhabitants of Elbert County.

#### C. PROCEDURE

1. The applicant should meet with Community and Development Services, informally, to discuss the request to be submitted and determine the requirements for such application, dependent upon the size and nature of the proposal.
2. Once the applicant determines to proceed, the applicant shall submit to Community and Development Services the following information:
  - a. A completed application.
  - b. A narrative and site plan prepared by a qualified professional in accordance with the requirements of this section when determined by the Community and Development Services Staff to be applicable.
    - 1) Narrative Exhibit
      - a) General project concepts.
      - b) Zoning of property.
      - c) Proof of ownership, deed, current title policy or endorsement (thirty [30] to sixty [60] days old) and a disclosure letter from the owner recognizing the applicant as a representative.
      - d) Define overall impacts of the proposed special use on the adjoining properties.
      - e) Compliance with the Elbert County Master Plan.
      - f) Statement of compliance with appropriate agencies if applicable.
      - g) Proof of water availability if applicable.
      - h) Method of wastewater treatment if applicable.
      - i) Type or method of fire protection.
      - j) Impacts on existing flora and fauna, wildlife, drainage, air quality and visual resources.

- k) Impacts on County services.
  - l) Legal description.
  - m) Name and address of the owner, the developer, if different than the owner and the person(s) preparing the site plan.
- 2) Site Plan Exhibit
- a) Plans are to be prepared at a scale of 1"=50', 1"=100' or another scale approved by the Community and Development Services Director or his representative which allows for maximum clarity of the proposal.
  - b) The name of the proposed development and submittal phase centered at the top of the sheet.
  - c) A north arrow and scale which clearly defines the development.
  - d) Sheet size of 24" x 36" with the long dimension horizontal. The title block located in the lower right-hand corner of the sheet with the date of preparation.
  - e) Vicinity map showing the relationship of the site to the surrounding area within a two (2) mile radius prepared at a scale of 1:24,000 (1"-2,000')
  - f) Dimension of all existing and proposed structures, size and square footage of the site. Note total building coverage percent (%) and square footage. Include setback dimensions from property lines. Structures to be removed should be indicated as such.
  - g) Location and dimension of required off-street parking and loading areas. Note the total number of parking spaces provided.
  - h) Delineate public and private roadways, right-of-way, street names and points of access on or adjacent to the proposed site. Dimension and note surface material.
  - i) Indicate adjoining land uses and zoning.
  - j) Major drainage ways affecting the site and designation of any one-hundred (100) year flood plain on, or adjacent to, the site and any existing flood control or water retaining structure.
  - k) The following signature blocks will be provided on the Site Plan Exhibit in a legible manner:

### **Planning Commission**

This Special Use Review was reviewed by and recommended for approval by the Elbert County Planning Commission on the day of \_\_\_\_\_ year \_\_\_\_\_, A.D.

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Chairman, Planning Commission



# Board of County Commissioners

This Special Use Review was reviewed and approved by the Elbert County Board of County Commissioner on the \_\_\_\_\_ day of \_\_\_\_\_year \_\_\_\_\_, A.D.

Chairman, Board of County Commissioners

### Clerk and Recorder's Certificate

State of Colorado) }SS  
County of Elbert)

I hereby certify that this Special Use Review exhibit was filed in my office on this \_\_\_\_ day of \_\_\_\_\_ year \_\_\_\_\_, A.D.

County Clerk and Recorder

- 3) The appropriate fee, including all review fees required by referral agencies for their review of the application.
  - 4) Completed agreement form obligating the applicant to pay for reasonable additional engineering and/or planning consultation when requested by Community and Development Services, Planning Commission or the Board of County Commissioners when, in their opinion, additional information, studies or investigations are needed to help clarify the proposal made.
  - 5) Affected Environment Impact, if applicable, including, but not limited to, climate, air quality, geology and minerals, paleontology, topography, soils, water, vegetation, wildlife, recreation, visual resources, economics and sociology, cultural, transportation, noise and reclamation potential.
3. Community and Development Services staff shall review the proposal within ten (10) working days to determine the completeness of the application. During this time period, the applicant shall be contacted and an informal meeting established to discuss the review made, the appropriate referral agencies to be contacted, and the scheduling of the request before the Planning Commission and the Board of County Commissioners. All review fees required by any referral agencies for their review must be submitted in advance, and included in the referral packet.

4. At least thirty (30) days prior to a public hearing before the Planning Commission and the Board of County Commissioners, notice of hearing shall be published in at least one issue of a newspaper of general circulation in Elbert County, Colorado. Publication of said notices shall be the responsibility of the applicant and shall read as follows:

\*\*\*\*\*

**"NOTICE OF PUBLIC HEARING"**

**"Special Use Review for \_\_\_\_\_."**

"Notice is hereby given that on \_\_\_\_\_(day of week), \_\_\_\_\_(month), 20\_\_\_\_, at \_\_\_\_\_(P.M.), or as soon as possible thereafter, a Planning Commission hearing will be conducted and on \_\_\_\_\_(day of week), \_\_\_\_\_(month), 20\_\_\_\_, at \_\_\_\_\_(A.M./P.M.), or as soon as possible thereafter, a Board of County Commissioners hearing will be conducted. Hearings will be conducted in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as these hearings may be adjourned. Public hearings will be heard upon the application on file with the Elbert County Community and Development Services, Courthouse Annex, 221 Comanche Kiowa, Colorado, 621-3136, by \_\_\_\_\_(name of applicant), for a Special Use Review pursuant to the current Elbert County Zoning Regulations. The affected property is located approximately \_\_\_\_\_(distance and direction from nearest major intersection)."

Reason: \_\_\_\_\_

Project Name and Number: \_\_\_\_\_

Legal Description of Property: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Published In: \_\_\_\_\_(name of newspaper) on \_\_\_\_\_(date of publication).

\*\*\*\*\*

**Publishers' affidavit verifying the above publication shall be submitted to Community and Development Services at least five (5) working days prior to the day of the public hearing.**

5. The applicant shall mail a written notice of said hearing by certified mail, return receipt requested, at least thirty (30) days prior to the hearing date before the Planning Commission, to the owners of property adjoining and within five hundred feet (500') of the property for which the request for Use by Special Review has been requested. The names and addresses for those properties affected shall be obtained from the current records of the County Assessor's Office.

- a. At least twenty-four (24) days prior to the date of the public hearing before the Planning Commission, the applicant shall submit to Community and Development Services the following:
- 1) The white postal receipts for Certified Mail mailed to the adjacent property owners and the property owners within five hundred (500) feet of the proposed site as required by these Special Use Procedures and Requirements;
  - 2) A copy of the notice mailed to said property owners;
  - 3) A list, in alphabetical order, of the adjacent property owners and property owners within five hundred (500) feet of the proposed site;

- 4) A map illustrating the location and proximity of the adjacent property owners and property owners within five hundred feet (500') of the proposed site. When a notice is mailed to a property owner at an address other than the property adjoining or adjacent to the Special Use, the applicant shall match notification with lot and block number, legal description or other manner which clearly locates the notified parties.
- b. At least five (5) working days prior to the date of the Public Hearing before the Planning Commission, the applicant shall submit to Community and Development Services the green postal Domestic Return Receipts mailed to the adjacent property owners and property owners within five hundred feet (500') of the proposed site as required by these Special Use Procedures and Requirements.
6. Community and Development Services may require additional public notice prior to any determination by the Planning Commission, in a manner consistent with the laws of the State of Colorado, which may include posting of the property. Such notice shall be posted thirty (30) days prior to the day of the public hearing before the Planning Commission. Such notice shall consist of at least one (1) sign facing parallel to each adjacent road right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'), size of letters shall be a minimum of three (3") inches high and such signs shall be erected no further than ten (10) feet beyond the edge of the adjacent right-of-way on posts which shall locate the bottom of the sign no less than three (3) feet above the ground. All signs shall be clearly legible to the persons on the adjacent right-of-way and shall be completed and installed in a neat professional manner. All signs shall be visible and legible throughout the entire period and shall read as follows:

\*\*\*\*\*

### "NOTICE OF PUBLIC HEARING"

#### "Special Use Review for \_\_\_\_\_."

"Notice is hereby given that the property upon which this sign is posted, shall be considered for a Special Use Review for \_\_\_\_\_ pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling Community and Development Services at 621-3136. The Planning Commissioner hearing is to be held on (day of week) \_\_\_\_\_ (date), at \_\_\_\_ P.M. or as soon thereafter as possible, and the Board of County Commissioner's hearing is to be held on (day of week) \_\_\_\_ (date) at \_\_\_\_ A.M./P.M. or as soon thereafter as possible. Said hearings are to be held in the Commissioner's Hearing Room."

Name of Proposal: \_\_\_\_\_

\*\*\*\*\*

7. Following approval by the Board of County Commissioners, the applicant will submit the special use review exhibit to the Elbert County Clerk and Recorder for recordation.

Further requirements include:

- a. Notarized affidavit verifying the date of the sign posting required at least thirty (30) days prior to the hearing date.
- b. This affidavit must be submitted to Community and Development Services at least twenty-four (24) days prior to the Public Hearing date.
- c. Signs advertising the rezoning of property in Elbert County must be photographed and submitted for the applicant's file in Community and Development Services as per the following form:

\*\*\*\*\*

**ATTACH PHOTO HERE**

\*\*\*\*\*

**The above sign was posted on \_\_\_\_\_, pursuant to the current Elbert County Zoning Regulation by \_\_\_\_\_.**

**Project Name and Number: \_\_\_\_\_**

**Signature of Applicant/Representative \_\_\_\_\_**

**Signed and sworn before me this date \_\_\_\_\_**

**NOTARIZED BY:**

**Project Review: \_\_\_\_\_**

**PART II, SECTION 19:                    USES NOT ITEMIZED**

**A.       INTENT**

1.       Uses not itemized or not reasonably similar to listed uses in the appropriate zones, shall not be allowed unless and until the use is interpreted by the County in the manner provided for in this Section.
2.       The Board of County Commissioners, after review and recommendation by Community and Development Services and Planning Commission, may by resolution add to the uses listed for a zone which conforms to the conditions set forth in the following special findings.
  - a.       Such use is not listed or similar to any other use.
  - b.       Such use conforms to the basic requirements and characteristics of the use category to which it may be added.
  - c.       Such use does not create more offensive noise, vibration, dust, heat, smoke, odor, glare, traffic hazards or other objectionable influences than normally resulting from the other uses listed in the zone to which it is to be added.
3.       When the Board finds that the proposed use meets the established criteria noted and any other reasonable conditions the Board may deem advisable, such use shall be considered to be listed in the appropriate zone and shall be added thereto in the published text of this Regulation at the first convenient opportunity.

**B.       PROCEDURE**

1.       The applicant, or his authorized representative, shall informally contact Community and Development Services to determine if the intended use is itemized or similar to listed uses. Community and Development Services shall advise him of the procedure in requesting the Board of County Commissioners to make a determination on the intended use.
2.       The applicant, or his authorized representative shall make a formal application to Community and Development Services by submitting the following:
  - a.       A completed application.
  - b.       Appropriate fee.
  - c.       A letter describing the intended use, the proposed site and any other information requested by staff which would help clarify the proposed use.
3.       Community and Development Services shall review the proposal within ten (10) working days. When staff determines the application to be complete, the proposal shall be scheduled before the Planning Commission and the Board of County Commissioners.

4. At least thirty (30) days prior to a public hearing before the Planning Commission and Board of County Commissioners, notice of hearing shall be published in a newspaper of general circulation in Elbert County at least one publication of said notice shall be the responsibility of the applicant and shall read as follows:

\*\*\*\*\*

**"NOTICE OF PUBLIC HEARING"**

**"Uses not Itemized \_\_\_\_\_."**

"Notice is hereby given that on \_\_\_\_\_ (day of week) \_\_\_\_\_ (month & date) 20\_\_, at \_\_\_\_\_ (time - a.m./p.m.) or as soon as possible thereafter, a Planning Commission hearing will be conducted and on \_\_\_\_\_ (day of week) \_\_\_\_\_ (month and date), 20\_\_, at \_\_\_\_\_ (time-AM/PM), or as soon as possible thereafter, a Board of County Commissioners hearing will be conducted. Hearings will be conducted in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado, or at such other time and place as these hearings may be adjourned. Public hearings will be heard upon the application on file with the Elbert County Community and Development Services, Courthouse Annex, Kiowa, Colorado, 621-3136, by \_\_\_\_\_ (name of applicant) for an interpretation of a use not itemized in the current Elbert County Zoning Regulations, said use being \_\_\_\_\_ (description of use)."

Project Name and Number: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Published In: \_\_\_\_\_ (name of newspaper)  
\_\_\_\_\_ (date of publication)

\*\*\*\*\*

5. The Planning Commission shall review the proposal, staff recommendations and any other appropriate materials and make a recommendation to the Board of County Commissioners as to which zone category the use should be permitted, whether the use should be permitted by right or special review, and what conditions, if any, should be placed on the proposed use.
6. At the meeting for the Board of County Commissioners, the Board shall review all pertinent materials and recommendations and make a determination on the proposed use.
7. Community and Development Services shall notify the applicant in writing within a reasonable time period after the Board of County Commissioners meeting stating the action on the proposed use.

**PART II, SECTION 20:                    SIGN REGULATIONS**

**A.        INTENT**

This section is designed to assist the public in the installation of signs and establish reasonable standards and regulations for the same. Variances in the established requirements of this Section can be achieved through the established Variance procedure outlined in Part I, Section 3 of these Zoning Regulations.

**B.        GENERAL REQUIREMENTS**

1.        The County will not permit any Advertising Device, as defined in Colorado Revised Statutes (C.R.S.) 43-1-403, adjacent to and within 660 feet of the right-of-way for all State, Federal and/or Interstate Highways. Permits for appropriate advertising devices, as defined in C.R.S. 43-1-407, must be obtained from the Colorado Department of Transportation.
2.        A sign permit shall be required from Community and Development Services for all signs exceeding six (6) square feet in area. In addition, a sign permit shall be required at any time the sign area is increased.
3.        All signs located in the unincorporated portions of Elbert County, except those required for the posting of a Public Notice, shall comply with all applicable requirements, as provided for in this section.
4.        All requests for signage shall be accompanied by a drawing, fully dimensional, showing the sign message, and a site plan showing the location, setbacks, height and sign area of all proposed and existing signage.
5.        Sign permit fees shall be established by the Board of County Commissioners, and payable to the Elbert County Treasurer.
6.        The following signs shall be prohibited in all districts:
  - a.        Portable signs which are not permanently affixed to any structure on the site or permanently mounted to the ground.
  - b.        Signs mounted, attached or painted on motor vehicles, trailers or boats when used as additional advertising signs on or near the premises and not used in conducting a business or service.
  - c.        Revolving beacons, flashing signs or signs with any type of animation or intermittent lighting effects.
  - d.        Any signs emitting sound.
  - e.        Political signs in public rights-of-way or on public property.
  - f.        Signs for the purpose of general outdoor advertising of products or services or signs advertising a use, service or attraction not located in Elbert County.

- g. Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind except for flags of any government or governmental agency or any civic, charitable, religious or fraternal organization except small company flags or banners during grand opening events for a two-week period.
  - h. Signs located so as to conflict with the clear and obvious appearance of public devices controlling public traffic.
  - i. Roof-mounted signs or signs which project above the highest point of the roof line or fascia of the building.
  - j. Signs attached to a building which project perpendicular a distance of more than eighteen (18) inches from the wall.
  - k. Signs attached parallel to the wall of a building but mounted more than eighteen (18) inches from the wall.
  - l. Signs announcing a proposed development and/or proposed zoning prior to approval by the County Commissioners.
  - m. Signs are prohibited on any utility pole, traffic signpost, traffic signal, or any other traffic control device.
1. Signs within planned developments shall comply with the regulations of this Section, except when a separate development guide is adopted by the Board of County Commissioners for that proposed PUD which incorporates separate guidelines for signage.
  2. Signs may be internally illuminated; otherwise, the source of illumination shall be shielded.
  3. Where appropriate, double-sided signs are encouraged. A double-sided sign will be counted as one sign, only if the message is the same on both sides. The square footage calculation of a double-sided sign will be determined in the respective sections of these regulations.
  4. Unless specified, the maximum height of any sign in Elbert County shall be six (6) feet.
  5. All signs erected in a public right-of-way, by a public agency which controls or directs the traveling public, shall be exempt from the provisions of this regulation. No signs will be permitted or erected in a dedicated right-of-way.
  6. Signs and sign structures shall be maintained at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust or loosening. Signs shall be able to safely withstand the maximum wind pressure for the area in which they are located. The County Building Official shall have the authority to order the repair, alteration or removal of a sign or structure which constitutes a hazard to life or property. In the event that such a sign has not been removed, altered or repaired within thirty (30) days after written notification from the County Building Official, the County shall have the authority to remove said sign or structure at the expense of the owner of the premises on which the sign is located.
  7. Unless specifically stated, all signs shall be twenty-five feet (25') from side and rear property lines. Unless specifically stated, all signs shall be twenty-five feet from the road right-of-way easement. This shall be approved by the Elbert County Road and Bridge



Department for site visibility each time a sign is posted.

### C. ON-SITE SIGNS

1. In A, A-1, A-2, RA (Old), AR, RA-1, RA-2, R-1, , and R-2 zone districts, the following on-site signs shall be permitted.
  - a. One identification sign per dwelling, excluding monumentation, provided the total surface area of such sign does not exceed six (6) square feet.
  - b. One temporary "**For Sale**", "**For Rent**" or "**For Lease**" sign per dwelling, provided the total surface area of such sign does not exceed six (6) square feet and is not illuminated. Such signage shall not be required to meet minimum yard setback requirements of the zone in which it is located, but shall not impair visibility for traffic movement.
  - c. Temporary "**For Sale**", "**For Lease**" or "**For Rent**" signs advertising vacant land provided that the total surface area of all such signs shall not exceed one hundred (100) square feet, nor the total surface area of any one sign exceed fifty (50) square feet.
  - d. One identification sign per use by right or special review, provided the total surface area of such sign does not exceed six (6) square feet.
  - e. In the Agricultural Zoning District only, signs advertising the sale of projects produced or raised on the premises, provided that the total number of signs shall not exceed four (4), are not illuminated, and provided the total surface area of all such signs does not exceed forty (40) square feet.
  - f. In residential developments, each entrance shall be limited to a maximum of two (2) signs. The total square footage of all entry signs, exclusive of monumentation, shall not exceed sixty-four (64) square feet for both signs.
  - g. Temporary advertising signs for the sale, rental or lease of dwelling units under construction or to be constructed (after approval) provided that no more than one (1) sign is located adjacent to each street abutting the subdivision, and providing that the total surface area of each sign does not exceed thirty-two (32) square feet. No such sign shall remain erected more than two (2) years or until the last dwelling unit is sold, whichever comes first.
  - h. One (1) identification sign per model home within an approved subdivision, provided that the surface area of each sign does not exceed sixteen (16) square feet.
2. In B, C, LI and GI zone districts the following on-site signs shall be permitted:
  - a. Directional signs are allowed and not counted as part of the total sign area allowed per individual use or per shopping center, business, commercial, or industrial park, provided that the total number of signs shall not exceed four (4), and provided that total surface area of each sign does not exceed eighteen (18) square feet.
  - b. One (1) temporary "**For Sale**", "**For Rent**" or "**For Lease**" sign per street frontage, shall not be counted as part of the total sign area allowed per individual use or per shopping center, business, commercial, or industrial park, provided that the total surface area of each sign does not exceed one hundred (100) square feet per face (a

- maximum of two (2) faces are permitted for each sign).
- c. Individual businesses located on a corner lot, one (1) sign per each frontage abutting a public street, at the rate of one (1) square foot of sign area per one (1) lineal foot of allowable building frontage, up to a maximum of one hundred (100) square feet.
  - d. Each use shall be entitled to a total fascia sign area of fifty (50) square feet; however, such sign area may be increased at the rate of one (1) square foot of sign area for each lineal foot of allowable building frontage in excess of fifty (50) lineal feet, to a maximum of one hundred (100) square feet of sign area. Lease areas in excess of one hundred thousand (100,000) square feet shall be permitted a maximum of two hundred (200) square feet of fascia sign area per wall area visible to public rights-of-way.
  - e. One (1) free standing, single-sided, identification sign per street frontage, which identifies the individual use, shopping center or business, commercial or industrial park. The sign cannot extend more than fifteen (15) feet above ground level, and the total surface area cannot exceed one (1) square foot of sign area per three (3) lineal feet of street frontage to a maximum of two hundred (200) square feet per sign. Setback for this sign shall conform to the front yard setback of the zoning district in which the sign is located.
  - f. One (1) free standing, single-sided directory sign, per street frontage, which identifies the individual businesses within the center or park. The sign cannot extend more than fifteen (15) feet above ground level, and the total surface area of such sign cannot exceed twenty-five percent (25%) of the square footage of the identification sign (see item “e” above).
  - g. Identification signs (e) and directory signs (f) may be combined as a single structure. As a single structure, the directory sign may be increased to seventy-five percent (75%) of the square footage of the identification sign. The combined sign may also be double-sided, with only one side counted against the allowable square footage.
  - h. No sign shall be permitted which impairs visibility for traffic movement.

#### D. OFF-PREMISE SIGNS

Permitted in all zoning categories are off-premise signs used to identify uses or services in Elbert County which are oriented toward highway travelers, directional signs for emergency services and advertising signs for real estate developments, provided that these signs meet the following criteria:

1. The uses or services for highway travelers, emergency services and real estate developments shall be located in Elbert County.
2. The off-premise sign is located not more than five (5) miles from the community in which the use is located or from the use itself when located outside of an incorporated community.
3. Each use shall be limited to one (1) off-premise sign per highway approach.
4. The off-premise sign shall not extend more than ten (10) feet above ground level and shall not exceed thirty-two (32) square feet in sign area.
5. The minimum distance between off-premises signs shall not be less than thirteen hundred and twenty (1320) lineal feet.

6. Off-premise signs located on property adjacent to and within 660 feet of the right-of-way for all State or Federal Highways, shall be regulated by the Colorado Department of Transportation.

#### E. SIGN AREA MEASUREMENT

1. The area of a sign shall be measured in conformance with the regulations as herein set forth. The structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign.
2. The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display, shall be measured by determining the sum of the areas in each square, rectangle, triangle, portion of a circle or any combination thereof, which creates the smallest, single continuous perimeter enclosing the extreme limits of the display surface of face of the sign, including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.
3. The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display, shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle, or any combination thereof, which creates the smallest, single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems, or figures of similar character, including all frames, face plates, nonstructural trim or other component parts, not otherwise used for support.
4. The area of any sign having parts both with and without backing, shall be measured by determining the total area of all square, rectangles, triangles, portions of a circle or any combination thereof, constituting the smallest, single continuous perimeter enclosing the extreme limits of either of the following combinations: (1) the display surface of face of the sign including all frames, backing, face plates, nonstructural trim or, (2) other components parts not otherwise used.
5. In determining the sign permit fee, the parameters set forth in items 1 through 4 above will be utilized to determine total square footage. Where a sign has two (2) or more display faces, the square footage of all faces will be totaled to determine the permit fee.

**PART II, SECTION 21:**

**OFF-STREET PARKING REQUIREMENTS**

**A. INTENT**

Off-street parking areas shall be required in all districts as an accessory use to buildings and uses newly constructed, enlarged or restored. Except as provided in other sections of this Regulation, off-street parking areas shall be according to the following minimum requirements.

**B. GENERAL REQUIREMENTS**

1. Each standard off-street parking space shall be a minimum size of nine feet (9') by eighteen feet (18'). The parking space shall be arranged in such a manner so that a vehicle will not back directly from a required off-street parking space into a public right-of-way.
2. Off-street parking areas for compact cars are allowed. Each space shall be a minimum size of seven feet, six inches by fifteen feet (7'6" X 15'), and the total area shall not exceed thirty-five percent (35%) of the total off-street parking area for office use and five percent (5%) for any commercial or retail use.
3. Each required off-street parking space shall have adequate access to a public street or other thoroughfare. Alleys, where they are utilized, shall only be used as a secondary means of access to a lot or parcel.
4. Each off-street parking space stall shall not be situated at an angle less than forty (40) degrees.
5. Each required off-street parking space, in all zoning districts, shall be properly graded and drained.
6. Each off-street parking area which is accessory to any principal use other than a single-family dwelling located on a lot in excess of ten thousand (10,000) square feet in size, shall be stripped and surfaced with asphalt or concrete or other method approved by the Board of County Commissioners.
7. Each off-street parking area accessory to a principal use in the MF, B, C, LI, GI or nonresidential areas of PUD zone shall be located on the same lot as the principal use, or within a common parking area within five hundred (500) feet of the specific use(s).
8. Each off-street parking area accessory to a principal use in the MF, B, C, LI, GI or nonresidential PUD zone districts shall be located in the same zone district as the principal use and within five hundred feet (500') of the principal use.
9. No off-street parking area required for any use for the purpose of complying with the provisions of this Regulation shall be included as part of an off-street parking area similarly required for another use.

10. Required off-street parking in the B, C, LI, GI and nonresidential areas of the PUD zone shall be located not closer than fifteen (15) feet back of the required front property line and not closer than ten (10) feet back from side and rear property lines.
11. Each off-street parking area containing parking spaces for fifty (50) or more vehicles, shall provide a landscaped area or areas dispersed within the parking area which shall be a portion of the overall site landscaping requirement and shown in an appropriate landscaping plan. The area may include storm water detention areas.
12. Required off-street parking area(s) may be phased in with proposed phased development. Areas not improved shall be reserved for this purpose.
13. All open off-street parking areas with ten (10) or more spaces shall be adequately screened from any adjoining residential development or zoned lot by a fence, wall, or plating at least four (4) feet in height which shall be maintained in good condition. Any lighting provided for a parking area shall be directed away from adjacent residential zoned or developed areas.

#### C. RESIDENTIAL DWELLING UNITS

1. Single Family Detached: Two (2) off-street parking spaces per dwelling unit.
2. Multifamily (duplex and larger): Two (2) off-street parking spaces per dwelling unit, plus one (1) guest parking space per four (4) dwelling units.
3. Mobile Home Parks: Two (2) off-street parking spaces for each mobile home.

#### D. NON-RESIDENTIAL USES

Required off-street parking for non-residential land uses shall be based on the total gross floor area of all floors in the principal structure, excluding atriums, restrooms, mechanical areas, stairwells and elevator shafts.

1. One (1) handicapped parking space at a minimum size of twelve feet by twenty (12' x 20') feet, shall be required per fifty (50) off-street parking spaces in all nonresidential zone districts.
2. Churches and Related Buildings: One (1) off-street parking space per three (3) fixed seats in principal public areas (i.e., auditoriums), or one (1) off-street parking space per one hundred (100) square feet of gross floor area, whichever is greater.
3. Auditoriums and Other Places of Public Assembly: One (1) off-street parking space per three (3) fixed seats, or one (1) off-street parking space per one hundred and fifty (150) square feet of gross floor area, whichever is greater.

4. Hospitals and Similar Health Facilities: One (1) off-street parking space per two (2) beds and one (1) off-street parking space per two (2) employees, plus four (4) additional spaces for each twenty-five (25) beds.
5. Schools and Institutions of Higher Education:
  - a. Elementary and junior high schools: Two (2) off-street parking spaces per classroom.
  - b. Senior high schools, colleges, business schools, universities and private schools: One (1) off-street parking space per employee, faculty and administrator; plus six (6) off-street parking spaces per ten (10) students.
6. Home Occupations: One (1) off-street parking space per permitted home occupation.
7. Hotels, Motels, Tourist Homes: One (1) off-street parking space per rental unit, plus one (1) off-street parking space per two (2) employees.
8. Rooming Houses, Fraternity and Sorority Houses and Similar Accommodations/Facilities: One (1) off-street parking space per two (2) rental units, or one (1) off-street parking space per four (4) guest beds, whichever is greater.
9. Restaurants, Bars and Similar Dining and Drinking Establishments: One (1) off-street parking space per three (3) seats, or one (1) off-street parking space per seventy-five (75) square feet of gross floor area, whichever is greater.
10. Nursing Homes, Sanitariums, and Similar Establishments: One (1) off-street parking space per two (2) employees, plus one (1) off-street parking space per five (5) beds.
11. Office Uses: One (1) off-street parking space per three hundred (300) square feet of gross floor area.
12. Other Business and Commercial Uses: One (1) off-street parking space per two hundred and fifty (250) square feet of gross floor area, or as required by the Board of County Commissioners.
13. Industrial Uses: One (1) off-street parking space per five hundred (500) square feet of gross floor area or as required by the Board of County Commissioners.
14. Warehouses (including mini-storage facilities): One (1) off-street parking space per one thousand (1,000) square feet of gross floor area.
15. Utility Service Facilities: Three (3) off-street parking spaces per facility.
16. Major Facilities of a Public Utility: Parking requirements shall be determined through the Use by Special Review Procedure.

E. PLANNED UNIT DEVELOPMENTS

Off-street parking within Planned Unit Developments shall comply with the regulation of this section, except when a separate development guide is approved by the Board of County Commissioners for the proposed Planned Unit Development (PUD), which incorporates separate guidelines for parking.

**PART II, SECTION 22:                    TEMPORARY STRUCTURES**

**A.     INTENT**

The intent of this section is to provide for the regulation of temporary structures. These regulations shall apply to temporary residences, temporary construction offices and temporary signs. For the purpose of this section, the term "temporary" shall mean a period of up to one (1) year.

**B.     GENERAL REQUIREMENTS AND PROCEDURE**

Prior to the establishment and use of a temporary structure, the applicant shall be required to provide the following:

1.     Submit a plot plan showing location of structure, setbacks and any other pertinent information to the Building Department for review and conform with all applicable zoning requirements of the zone in which the structure is to be located.
2.     A temporary structure permit granted by the Building Department shall expire one (1) year from the date of issuance. Temporary structure permits shall only be valid providing that a building permit is obtained and remains in effect. A maximum of one (1) six (6) month extension permit shall be granted per structure. All temporary structures shall be removed at the expiration of the first extension permit.
3.     Prior to the issuance of the permit by the Building Department, the applicant may post the appropriate bond with the County.
4.     The conversion of mobile or manufactured housing units, regardless of size or age, to accessory structures will not be permitted regardless of proposed alterations.

**C.     PERMITTED TEMPORARY STRUCTURES**

1.     Temporary Residence

Temporary residence may not be a mobile home as defined in the Elbert County Zoning Regulations, except as described in Part II, Section 2 ,C, 24.

2.     Temporary Construction Office

A temporary structure for the storage of construction materials and a construction office to be used for managing a construction job may be utilized in all zone districts with the following restrictions:

- a.     The unit is to be used during normal construction hours by the construction superintendent, construction workers, contractors, etc.
- b.     While construction is occurring, a temporary construction office may be utilized provided that it is located within the area of a recorded final plat or an approved site plan.



- c. The temporary construction office shall not be utilized as living quarters for a caretaker, property owner, contractor or others.

### 3. Temporary Offices

#### a. Residential Sales

Temporary residential sales offices for the sale of units in an area, shall be permitted in the A, A-1, A-2, AR, RA-1, RA-2, R-1, R-2, MF, or PUD zones with the following restrictions:

- 1) Sales shall be limited only to those units within the platted subdivision in which the office is located.
- 2) The temporary structure shall be located within the area of a recorded final plat.
- 3) The use of a temporary residential sales office may require the posting of a bond and obtaining a temporary permit with the Building Department.
- 4) Sales offices within model homes shall meet the conditions outlined by Building Department Regulations, including but not limited to, sanitation, water and certificate of occupancy.

#### b. Commercial Business and Industrial Offices

Temporary nonresidential offices used for sales or business operation purposes shall be permitted in the B, C, LI, GI and nonresidential PUD zone with the following restrictions:

- 1) Upon obtaining a building permit for a nonresidential structure and possibly posting a bond in the amount of five thousand dollars (\$5,000) a permit for utilizing a temporary structure on the premises by the property owner or representative may be obtained.
- 2) The temporary office shall be located within the area of a recorded final plat and an approved site plan.

### 4. Temporary Signs

All temporary signs shall be in conformance with Part II, Section 20 of these Regulations.

**PART II, SECTION 23:                    HOME OCCUPATIONS**

**A.        INTENT**

To provide for the operation of limited commercial activities (such as tutoring, music lessons, artist studios, etc.) within established residential zones.

**B.        PERMITTED HOME OCCUPATIONS:**

A home occupation shall be allowed as a permitted use in all residential zones provided that:

1.        Such use shall be conducted only by the residents of the principal dwelling and only within the principal dwelling or accessory use building.
2.        Such use shall be clearly incidental and secondary to the use of the dwelling or accessory use building as dwelling unit and shall not change the character thereof. No buildings inconsistent with the character of the zone will be allowed.
3.        There shall be no outside storage on the premises of materials or equipment used in connection with the home occupation that is not fenced or enclosed.
4.        There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light noticeable or extending beyond the property.
5.        Home occupations shall not generate traffic which significantly affects the residential character of that area.
6.        The Board of County Commissioners shall determine which activities other than those proposed which are compatible with this section and shall proceed in conformance with Part II, Section 17 of these Regulations.
7.        The occupant shall provide any off-street parking needed to keep streets unobstructed.

**PART II, SECTION 24:**

**NONCOMMERCIAL HOUSEHOLD PETS, DOMESTIC  
HOOFED LIVESTOCK, POULTRY, FOWL AND  
LIVESTOCK**

**A. INTENT**

The intent of this section is to provide guidelines and regulations for the keeping of animals/livestock on private property. These regulations are also for the maintenance of a healthy environment for humans and animals and for the protection of the ground and vegetation of the property.

**B. HOUSEHOLD PETS**

Household pets inclusive of, but not limited to, dogs and cats shall be permitted in all zones allowing for residential use provided that not more than four (4) animals of more than four (4) months of age are kept by the property owner/occupant of any residential unit. (Kennels, boarding facilities and commercial activities are not allowed.)

This provision does not apply to tropical fish, small rodent animals (gerbils, hamsters) and small birds kept as pets, unless raised for commercial purposes, kept outdoors or kept in an accessory structure.

**C. DOMESTIC HOOFED LIVESTOCK (NONCOMMERCIAL)**

1. Noncommercial, domestic hoofed livestock shall include, but not be limited to, horses, cattle, mules, sheep and goats. The following restrictions shall apply to such animals allowed in the R-1, R-2, RA-1, RA-2, AR and A-2 zones. **For PUD zoning refer to applicable Development Guide**

- a. R-1 zone: This zone shall allow two (2) equine. No other large animals, such as cattle, sheep and goats will be allowed.
- b. R-2 zone: This zone allows no large animals, such as horses, cattle, sheep and goats.
- c. RA-2, R-1, R-2 zones will not allow swine on parcels 4.999 acres or less.
- d. 4H or 4H-like groups and/or 4H-like projects are allowed in RA-2, RA-1, AR and A-2.

2. A-2, AR, RA-1 and RA-2 zones and non-conforming parcels of less than thirty-five (35) acres: The maximum density is one (1) animal unit per one-half (1/2) acre.

One (1) horse, mule or bovine	=	1 unit
Five (5) sheep or goats	=	1 unit
One (1) swine	=	1 unit
One (1) llama	=	1 unit
Two and ½ alpacas	=	1 unit
Two (2) ostriches	=	1 unit
Four (4) miniature horses	=	1 unit

3. Young animals under six (6) months of age may be kept until weaned without counting toward the allowable unit limit.
4. When the number of animals on a parcel of land equals one (1) animal unit, a shelter shall be required
5. Although the entire lot may be fenced, a containment area (corral) must be provided where the animals will normally be penned and supplementary fed if the animal unit exceeds one (1) per thirty-five (35) acres. A grazing plan on the balance of the parcel may be acquired from the Soil Conservation District, the County Extension Office or ~~the~~ Elbert County Community and Development Services.
  - a. The containment area (corral) should be adequate in size for the number of animals involved and shall not exceed ten percent (10%) of the gross lot acreage or one-half (1/2) acre, whichever is less.
  - b. The containment area (corral) shall not be constructed closer to any property line than the zone accessory use setback allows.
6. Existing exceptions as applicable to building, fencing, containment area size and setbacks will be subject to the regulations outlined in the Nonconforming Uses and Buildings, Part I, Section 5 of these Regulations.
7. Regular removal or spreading of manure is required so that it does not become unsightly to neighbors or passersby.
8. The possession of animals will not be allowed to create excessive odor and noise problems or present health hazards to surrounding properties.
9. Adequate drainage facilities or improvements shall be provided by the property owner and constructed so as to protect any adjacent properties from runoff containing contaminants such as sediment or organic wastes.

#### D. POULTRY, FOWL AND SMALL LIVESTOCK (NONCOMMERCIAL)

Domestic, noncommercial use of poultry or fowl shall include, but not be limited to: chickens, turkeys, pigeons, small birds and ducks. Small livestock shall include, but not be limited to: rabbits, chinchillas or similar animals.

1. On parcels containing more than 34.999 acres, there shall not be a limit on the number of poultry, fowl or small livestock allowed except when the keeping of such is not for domestic, consumptive, hobby or pet uses by the residents of the parcel of land.

A containment area for the below listed zoning for the poultry or fowl shall be required and not be closer than fifty (50) feet to any property line. Small livestock for the below listed zoning must be properly housed (i.e., rabbit hutches) and not be located closer to any property line than the zone accessory use setback allows.

- a. A-2 & AR: A maximum number of thirty (30) poultry and/or fowl and fifty (50)

- rabbits or other small livestock shall be allowed.
- b. RA-1, RA-2 and R1: A maximum number of fifteen (15) poultry and/or fowl and twenty-five (25) rabbits or other small livestock shall be allowed.
  - c. R2: A maximum number of three (3) poultry and/or fowl and six (6) rabbits or other small livestock shall be allowed.
  - d. **For PUD zoning refer to applicable Development Guide**

**PART II, SECTION 25:                    TEMPORARY USE PERMIT**

**A.     INTENT**

To allow the applicant a Temporary Use Permit while following procedures for request of a Special Use Permit.

**B.     PROCEDURE**

1.     The applicant shall submit, to Community and Development Services, the following information:
  - a.     completed application;
  - b.     appropriate fee;
  - c.     letter describing the intended use, the proposed site
  - d.     site plan to scale
  - e.     any other information requested by Community and Development Services which would help clarify the proposed use;
2.     Community and Development Services shall review the proposal within ten (10) working days to determine the completeness of the application.
3.     Community and Development Services must schedule the request before the Board of County Commissioners who will conduct a hearing on the proposed Temporary Use Permit. Public Notice provisions must be in accordance with paragraph D of this section.

**C.     GENERAL REQUIREMENTS**

1.     The Temporary Use Permit applicant must submit their formal application for a Special Use Permit within thirty (30) days of the issuance of the granted Temporary Use Permit.
2.     A five thousand dollar (\$5,000.00) surety bond may be required if the Temporary Use Permit is granted.
3.     The Board of County Commissioners may require other additional stipulations.
4.     If the Board of County Commissioners approve a Temporary Use Permit it does not indicate the actual Special Use Permit will be approved, once presented.

**D.     PUBLIC NOTICE REQUIREMENTS**

Procedure:

1.     Formal submittal to Community and Development Services: a completed application form, appropriate supplemental information and fee.

2. Community and Development Services Staff shall review the proposal within ten (10) working days to determine the completeness of the application and establish hearing dates.
3. The applicant shall mail a written notice of said hearing by certified mail, return receipt requested, at least fourteen (14) days prior to the hearing date before the Board of County Commissioners, to the owners of the property adjacent to and within five hundred (500) feet for which a Temporary Use Permit has been requested. The names and addresses for those properties affected shall be obtained from the current records of the Elbert County Assessor's Office.
  - a. At least five (5) working days prior to the date of the public hearing before the Planning Commission, the applicant shall submit to Community and Development Services, the following: The white postal receipts for Certified Mail mailed to the adjacent property owners of the proposed site as required by these Temporary Use Permit procedures and requirements; a copy of the notice mailed to said property owners; a list, in alphabetical order, of the adjacent property owners of the proposed site and a map illustrating the location and proximity of the adjacent property owners. When a notice is mailed to a property owner at an address other than the property adjoining or adjacent to the Temporary Use Permit, the applicant shall match notification with lot and block number, legal description or other manner which clearly locates the notified parties.
  - b. The day of the Public Hearing before the Board of County Commissioners, the applicant shall submit to Community and Development Services, the green postal Domestic Return Receipts mailed to the adjacent property owners of the proposed site as required by the Temporary Use Permit procedures and requirements.
  - c. Community and Development Services may require additional public notice prior to any determination by the Board of County Commissioners, in a manner consistent with the laws of the State of Colorado, which may include posting of the property. Such notice shall be posted fourteen (14) days prior to the day of the public hearing before the Board of County Commissioners. Such notice shall consist of at least one (1) sign facing parallel to each adjacent road right-of-way. Such sign(s) shall measure not less than four feet by four feet (4' x 4'); size of letters shall be a minimum of three (3) inches high and such signs shall be erected no further than ten (10) feet beyond the edge of the adjacent right-of-way on posts which shall locate the bottom of the sign no less than three (3) feet above the ground. All signs shall be clearly legible to the persons on the adjacent right-of-way and shall be completed and installed in a neat professional manner. All signs shall be visible and legible throughout the entire period and shall read as follows:

\*\*\*\*\*

**"NOTICE OF PUBLIC HEARING"**

**“Temporary Use Permit.”**

"Notice is hereby given that the property upon which this sign is posted shall be considered for a temporary use permit pursuant to the current Elbert County Zoning Regulations. Further information may be obtained by calling Community and Development Services 621-3136. The Board of County Commissioners hearing will be conducted on \_\_\_\_\_ (day of week), \_\_\_\_\_ (month) \_\_\_\_\_ (year), or as soon as possible thereafter. Said hearings are to be held in the Hearing Room of the Elbert County Commissioners at Kiowa, Colorado."

Name of Proposal: \_\_\_\_\_

\*\*\*\*\*

d. Further requirements include:

- 1) Notarized affidavit verifying the date of the sign posting required the day of the hearing.
- 2) Signs advertising the Temporary Use Permit in Elbert County must be photographed and submitted for the applicant's file in Community and Development Services. The following form shall be used:

\*\*\*\*\*

**(ATTACH PHOTO HERE)**



\*\*\*\*\*

The above sign was posted on \_\_\_\_\_, pursuant to the current Elbert County Zoning Regulations by \_\_\_\_\_ (name of applicant).

Project Name and Number: \_\_\_\_\_

Signature of Applicant/Representative: \_\_\_\_\_

Signed and sworn before me this date: \_\_\_\_\_

NOTARIZED BY:

Project Review: \_\_\_\_\_

\*\*\*\*\*

4. Following approval by the Board of County Commissioners, the applicant will submit the Temporary Use Permit exhibit to the Elbert County Clerk and Recorder's Office for recordation.

**PART II, SECTION 26:                    DEFINITIONS**

**\*Additional definitions provided within the Design Standards in Part II Sec 16.**

**Abutting:** Having a common property line or district line separated only by a street, alley or easement.

**Accessory Use or Structure:** A use or structure subordinate to the principal structure or use on the same lot and serving a purpose customarily incidental to the principal use.

**Acre:** An area in any shape containing 43,560 square feet.

**Activity Centers:** Areas capable of supporting a mix of more intense land uses, including higher-density housing, retail, office, community uses, and open space.

**Adjacent:** (Adjoining land) having a common border with, or separated from, such a common border by a right-of-way, alley or easement.

**Agriculture:** The art or science of cultivating the ground for the production of crops, the breeding and raising of livestock principally for resale either wholesale or retail whether sales are conducted on or off the premises.

**Agricultural Developments:** Any development with a gross density of thirty-five (35) acres or greater, where the majority of each parcel remains as open agricultural ground and which is described by an approved and recorded plat describing each parcel by legal description, as well as the easements, rights-of-way, etc. for roads and utilities which are intended to serve those parcels.

**Agriculture, Non-Commercial:** The art or science of cultivating the ground for the production of crops and livestock for consumption entirely on the premises.

**Airport, Commercial:** Airport for the use by commercial and private aircraft. The purpose of the facility is to make a monetary profit by catering to the public.

**Airport, Cooperative:** Private airport owned by two or more property owners and for use only by the property owners.

**Airport, Private:** Airport owned and operated by private enterprise.

**Airstrip:** A facility for landing or taking off of aircraft for the private use of the landowners and which is not open to the public.

**Alley:** A public or private vehicular passageway dedicated, or permanently reserved, as a means of secondary access to abutting property and designated an alley on a final plat. An alley shall not be considered to be a street.

**Alter:** To change any of the supporting members of a building such as bearing walls, columns, beams or girders.

**Animal Hospital:** Structure for the care and recuperation of ill or injured animals.

**Animal Shelter:** A facility, confinement and/or structure for the shelter, care and feeding of lost, abandoned, unwanted or potentially dangerous household pets or similar animals, when the primary purpose is to provide care for or to prolong the life of the animals(s) without regard to the need or desire to conduct the facility for profit or as a business and when the number of animals exceeds four (4) animals. All recommendations of the Colorado Department of Health, Department of Agriculture, Planning Commission or other appropriate agencies shall be complied with regarding feed, water, shelter, confinement, exercise and health care, unless specifically waived by the Planning Commission and Board of County Commissioners of Elbert County.

**Animal Unit:** Unit of measurement that is used to determine maximum number of animals which can graze on a plot of land without destroying the native food supply.

**Antenna:** A metallic apparatus used for the sending and/or receiving electromagnetic signals.

**Appurtenant Facility:** Any building, structures or other property which are clearly incidental to and customarily found in connection with major facilities of public utilities and are operated and maintained for the benefit or convenience of the occupants, employees, customers or visitors of such major facilities.

**Arterial/Arterial Intersections:** Highly visible quadrants where arterial roads intersect, which are appropriate for higher intensity land uses such as: retail, office, light industrial, and higher density residential projects.

**Automobile Graveyard:** Any establishment or place of business which is maintained, used or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts.

**Base Density:** The number of units allowed per acre (based upon the Net Acreage), as depicted in the *“Base Density Table for Residential Developments”*.

**Base Flood:** The flood having a one percent (1%) chance of being equal or exceeded in any given year.

**Basement:** That part of a building partially or totally underground.

**Berm:** Mound of earth used for screening, definition of space, noise attenuation and decoration in landscaping.

**Board of County Commissioners:** Board of County Commissioners of Elbert County; the governing body of the County.

**Boarding House:** A building, or portion thereof, which is used to accommodate, for compensation, three (3) or more boarders, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" is money, services or other things of value.

**Borrow Site:** An area used for the extraction of earthen materials such as sand, gravel or dirt which is outside the area of immediate development.

**Buffer Zone:** A strip of land established to separate and protect one type of land use from another, to screen from objectionable noise, smoke or visual impact or to provide for future public improvements or additional open space.

**Building:** Any structure built for the shelter or enclosure of persons, animals, chattels, property or substances of any kind (not including fences), has one or more floors and a roof and is permanently affixed to the ground.

**Building Envelope:** The portion of a lot where building construction will be permitted, within applicable setback requirements, and where other restrictions may be required, due to hazardous areas (greater than 20% slopes and 100 year flood plains, etc.), protection of natural resources, such as trees, and protection of views, etc.

**Building Height:** The vertical distance from the average finished grade to the highest point of the structure.

**Building Line:** Imaginary lines on a lot delineating the closest points from lot lines, public streets, planning area or project area boundaries, or other applicable perimeter lines, where any main building may be constructed.

**Building Principal:** A building in which is conducted the principal permitted use of the lot on which it is situated.

**Business or Commerce:** Activities involving the provision of services, purchases, sales, or other transactions relating to the handling or disposition of any articles, substances, commodities or intangibles for profit or livelihood; the ownership or management of real estate; and the maintenance and use of offices by professions and trades rendering services.

**Campground, Private:** A camping area operated by a private organization or institution for its members and invitees, designed for camping and to accommodate the temporary (not to exceed thirty [30] days in any one [1] calendar year parking or placement of camping and travel trailers, motor homes - not to exceed thirty-two [32] feet), truck campers and tents used for human occupancy.

**Campground, Public:** A camping area operated for the general public, designed for camping and to accommodate, for remuneration, the temporary (not to exceed thirty [30] days in one [1] calendar year), parking or placement of camping and travel trailers, motor homes, truck campers, and tents used for human occupancy.

**Caretaker's Residence:** A dwelling unit accessory to a principal use in any one zone district designed and intended for occupancy by a person(s) owning, employed in or dealing with and responsible for the security and maintenance of the principal use.

**Cash-In-Lieu of County Dedicated Land:** Cash, equivalent to the full market value of the requirement for dedicated land, to be given to Elbert County as an alternative to dedicating land sites.

**Central Water:** A centralized water distribution facility which may be made up of one (1) or more wells or other sources of water. Distribution facility may be wholly owned by development entity, private corporation or special district.

**Central Sanitation:** A centralized wastewater collection and treatment facility approved by Elbert County Building Department and Colorado State Health Department. Central sanitation facility may include at a minimum, secondary treatment of the wastewater and is subject to any waste discharge permits required by the State of Colorado. Collection and treatment facility may be wholly owned by a development entity, private corporation or special district.

**Channel:** A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

**Child Care Center:** A service commercial facility in which care is provided for children for periods of less than twenty-four (24) hours at a time.

**Church:** A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

**Clinic, Dental Or Medical:** A facility licensed and used for the provision of medical, dental, surgical or mental health care of the sick or injured, but excluding therefrom in-patient and over-night accommodations.

**Conservation Community** - Developments which are characterized by large amounts of common open space and clustered, compact lots. To qualify as a Conservation Community, the development must meet the criteria as specified in the “Qualifying Criteria for a Conservation Community” section of the Master Plan.

**Commercial Kennel:** The housing of one or more dogs and/or cats, as a commercial enterprise, or more than ten (10) dogs and ten (10) cats, owned by the owner.

**Community Use:** A use inclusive of but not limited to, open space, active or passive recreational areas for facilities and service needs of the development(s) within which the land area is located, for the benefit of the users of that development.

**Concrete, Mortar and Asphalt Batching Operations:** A site, together with its accessory facilities, where sand, gravel, cement and various petroleum derivatives are compounded to manufacture concrete, mortar and asphalt.

**Condominium:** A legal form of ownership whereby an owner gains title to an interior air space dwelling unit, together with interest in the common areas and facilities appurtenant to such units.

**Construction:** The actual placement and fastening of construction materials in a fixed position. If a basement is being excavated, such excavation shall be deemed to be actual construction. If demolition or removal of any existing building or structure has commenced preparatory to construction, such demolition or removal shall be deemed to be actual construction. The term “construction” shall apply to buildings, roadways, utilities, other structures and landscaping.

**Contour Line:** An imaginary line shown on a map that connects points of equal elevation on the surface of the land.

**Convalescent Home, Nursing Home, Rest Home and Home for the Aged:** A service commercial facility which provides bed and ambulatory care for patients with postoperative convalescent, chronic illness or dietary problems, and persons unable to care for themselves, but excluding therefrom care for alcoholics, drug addicts or persons with mental or contagious diseases or afflictions.

**Convenience Commercial:** A retail or service commercial use which serves the area immediately surrounding the use by providing groceries, sundries and miscellaneous services which do not typically offer comparison shopping opportunities.

**Conventional Residential Development:** Developments that are not Conservation Communities will be considered Conventional Residential Developments. These communities will typically have larger lots than Conservation Communities.

**Corner Lot:** A lot surrounded on at least two (2) sides by a public or private road or a vehicle right-of-way or a vehicle easement.

**Country Club:** A club organized and operated primarily for social and recreational purposes.

**County:** Elbert County, Colorado.

**Cul-de-Sac:** A round turning area located at the end of a local road providing limited access to a minor number of residences and/or land uses.

**Dairy:** A room, building or establishment where milk is kept and butter or cheese is made; the department of farming or of a farm that is concerned with the production of milk, butter and cheese; an establishment for the sale or distribution chiefly of milk and milk products.

**Dedicated Land:** Sites and land areas deeded to Elbert County which are necessary for public use to serve a proposed subdivision and its users.

**Density:** The number of specified units per units of area. The number of dwelling units per acre is a common example.

**Density, Gross Residential:** The number of dwelling units within the boundaries of a project divided by the number of acres.

**Density, Net Residential:** The number of dwelling units within the boundaries of a residential project or residential portion of a project divided by the number of acres of the project, excluding area dedicated for roads, open space and other public facilities.

**Detached Structure:** Any structure having no party wall or common wall with another structure. Bridges, tunnels, and other similar means of connecting one structure to another shall not be considered to constitute a party wall or a common wall.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings, structures, mining, dredging, filling, grading, paving excavation or drilling operations. For the purpose of this Regulation, development shall be defined as any alteration to land, buildings or structures which falls into the purview of this regulation.

**Developable Acres:** Gross acres of the site less the acres required for open space.

**Development Guide:** A manual proposing variations from the lot size, bulk, type of use or activity, density, lot coverage, open space or other County Zoning Regulation standards within a Planned Unit Development zone. Once a PUD Development Guide is reviewed, approved and recorded by the County, the current and future owners and their assigns are required to develop their property in accordance with this guide.

**Development Plan:** A map depicting land uses within a Planned Unit Development zone. Once a PUD plan is reviewed, approved and recorded by the County the current and future owners and their assigns are required to develop their property in accordance with this plan.

**Developmentally Disabled:** Persons having cerebral palsy, multiple sclerosis, mental retardation, autism and epilepsy.

**Drive-in Restaurant or Refreshment Stand:** An establishment in which food or beverages are sold to the customers, some or all of whom customarily consume their purchases outdoors in or near their cars.

**Dwelling:** Any building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, mobile homes, tourist courts, resort cabins, clubs, hospitals or similar uses.

**Dwelling Unit, Single Family:** One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having not more than one (1) kitchen. All dwelling units shall contain a total of at least seven hundred (700) square feet of floor area as measured on the outside walls. Floor space which overlaps other floor space in a vertical plane shall be excluded in determining the seven hundred (700) square foot minimum. This includes main floor and any other floor used for living purposes, but does not include a mobile home as elsewhere defined.

**Dwelling Unit, Two Family:** Kitchen, dining, living, sleeping and bath accommodations for two (2) families located in one structure divided into two (2) separate areas and having separate outside entrances.

**Dwelling Unit, Multi-Family:** A structure housing more than two (2) dwelling units with each dwelling unit containing the necessary kitchen, dining, living, sleeping and bath accommodations necessary for one (1) family unit; each unit having separate entrance.

**Easement:** An acquired right of use, interest or privilege land owned by another.

**Encroachment:** An unauthorized placement of a building, part of a building, sign or fence upon the land or easement of another, or into required yards.

**Engineered Foundation:** A foundation designed by a professional engineer licensed by the State of Colorado. The design must be based on a current soils investigation report and must meet all applicable State and County building codes.

**Exotic Animals:** All species and sub-species of wild or tamed vertebrates and invertebrates, whether mammals, reptiles, birds or fish which are considered or defined as wild in their place of origin, except those normally and typically sold in retail pet stores in North America, except those which can be kept and cared for entirely within the main living area of a residence.

**Explosives and Highly Flammable or Hazardous Materials:** Materials or liquids which, when ignited, exhibit large scale rapid and spectacular expansion, outbreak or other upheaval.

**Facility:** Confined area for the keeping and feeding of animals. A facility may include, but not be limited to: a fenced area, corral, barn and/or loafing shed where animals can be fed and housed.

**Factory-Built Housing Unit:** Any structure of component thereof, designed primarily for residential occupancy, either permanent or temporary, which is wholly or in substantial part, made fabricated, formed or assembled in a manufacturing facility for installation or assembly and installation on a permanent foundation at a building site and built to the "Factory-Built Housing Construction Code of the State of Colorado" as it applies to all Factory Built Housing (except mobile homes), as defined in CRS 1973, Title 24, Article 32, Part 7, as amended.

**Family:** An individual or two (2) or more persons related by blood or marriage, or a group not exceeding five (5) persons (excluding servants) living together as a single housekeeping unit in one (1) structure on one (1) lot.

**Farm and Garden Buildings:** Those buildings or structures used to shelter or enclose livestock, poultry, feed, flowers, field equipment or similar uses.

**Firing Range:** A public or private facility designed and designated to provide training in the use of firearms, including organized trap ranges, skeet ranges, sporting clay ranges and similar activities using firearms or any combination thereof.

**Flood, Intermediate Regional:** Means a type of flood, including the water surface elevation and territorial occupation thereof, which can be expected to occur at any time in a given area based upon recorded historical precipitation and other valid data, but with an average statistical one percent (1%) chance of being equal or exceeded during any one (1) year. The term is used interchangeably with a one (1%) percent flood or one-hundred (100) year flood.



**Floodplain:** An area in and adjacent to a stream, which is subject to flooding as the result of the occurrence of an intermediate regional flood and which is so adverse to past, current or foreseeable construction or land use to constitute a significant hazard to public health and safety or to property.

**Floodplain, Designated:** The area designated as a floodplain by official action of the Board of Elbert County Commissioners with the prior concurrence of the Colorado Water Conservation Board.

**Flood Proofing:** A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to lands, properties, structures, and contents of buildings in a flood hazard area.

**Floor Area, Total:** The total floor area shall include all area located within the outside walls of the building, exclusive of basement area, garage and porches.

**Frontage:** The distance between side lot lines measured along the front lot line.

**Garage, Private:** An accessory building or a part of a main building used for storage of the private vehicles or boats of the family(ies) occupying the dwelling unit(s) to which the garage is accessory. Shall not include airplanes.

**Garage, Public:** Any garage other than a private garage available to the public for the storage of vehicles and boats where such vehicles are parked or stored for remuneration, hire or sale.

**Geologic Hazard:** A geological phenomenon which is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. This term includes, but is not limited to, landslide, rockfall, seismic effect, mud flow, radioactivity, ground subsidence and unstable or potentially unstable slopes.

**Grade:** Grade (ground level) is the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk said ground level shall be measured at the sidewalk.

**Group Home:** State-licensed group homes for the exclusive use of developmentally disabled person; owner occupied or nonprofit group homes for the exclusive use of not more than eight (8) persons sixty (60) years of age or older, shall not be located within seven hundred fifty (750) feet of another such group home, unless otherwise provided for by the County, as described in CRS 1973, 30-28-115, as amended.

**Gross Acres or Acreage:** Total acreage of the parcel.

**Guest Ranch:** Any building or buildings for dwelling purposes where the primary purpose is to rent such unit for limited periods of time in connection with recreation or vacation facilities available on the premises. Such units shall not be rented or leased for permanent occupancy.

**Hazardous Material:** A chemical or substance which are physical hazards as defined in the current Uniform Fire Code and current Federal/State Regulations including flammable liquids and/or gases. Does not include fuel tanks for domestic or agricultural use with a capacity under one-thousand (1,000) gallons.

**Health Establishment, Including Nursing Home:** Facilities which make medical services and nursing care available for a continuous period of twenty-four (24) hours or more to three (3) or more persons not related to the operator.

**High-Quality Wildlife Areas:** Those areas shown on the “Wildlife Resources Map”, from the Elbert County Open Lands, Parks and Trails Plan.

**Home Occupation:** Any occupation or activity which is clearly incidental to and conducted wholly within a dwelling unit and not in any accessory building or space on the premises by residents of the dwelling unit and activity, if observed from outside said dwelling unit, is undistinguishable from day-to-day residential use. Home occupation shall not be interpreted to include the following: nursing home, animal hospital, restaurant, automobile garage and paint shop.

**Homeowner's Association:** An association of homeowners within a residential area created to govern the area with powers including but not limited to: the setting and collection of expense assessments from the members of the association, the control and maintenance of common areas and the enforcement of protective covenants.

**Hospital:** Any building or portion thereof used for the accommodation and medical care of the sick, injured or infirmed persons and including sanitariums.

**Hotel or Motel:** A building designed for occupancy as the more or less temporary abiding place of individuals who are with or without meals, in which there are six (6) or more guest rooms.

**Household Pets:** Small animals customarily permitted to be kept in dwellings for company or pleasure including, but not limited to: dogs, cats, Vietnamese pot belly pigs and common house birds, provided that such animals for any commercial purpose other than the offering for sale of one (1) litter, brood or offspring of a household pet domiciled on the premises, at any one time, that is less than four (4) months old.

**Industrial Park:** An area zoned and planned for industrial uses, developed and managed as an integrated unit under single ownership or control, dealing with common services, open space and theme.

**Junk:** Means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, appliances, or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.

**Junkyard:** Any establishment or place of business which is maintained, operated, or used for storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard.

**Kennel:** Any premises where any combination of dogs or cats or other household pets totaling four (4) or more animals, four (4) months of age or older are kept.

**Kennel, Boarding:** Lot or premises where any combination of dogs or cats or other household pets totaling four (4) or more animals, not raised on the lot or premises are boarded.

**Kennel, Commercial:** The housing of one (1) or more dogs and/or cats as a commercial enterprise, or more than ten (10) dogs and ten (10) cats, owned by the owner.

**Kennel, Large Private:** The housing of more than four (4) dogs and four (4) cats, and less than ten (10) dogs and ten (10) cats, which are owned by the owner or operator of an agricultural parcel.

**Land Held-In-Common:** The total area and structures within a project which are designed, designated and maintained for common use and enjoyment by the owners of the project and their invitees, such as recreation areas and facilities, landscaped areas, open space area, natural areas, sidewalks and trails.

**Land Use Area (Master Plan):** Portion or portions of the County within which the use of lands, as well as the density or densities of housing units are designated to have specific densities, uses to depict specific goals and objectives for said use.

**Landscape:** Improvement to an area of land by the planting of a combination of trees, shrubs and ground covers, or the installation of other materials such as rock, bark, retaining walls and irrigation systems.

**Livestock:** Farm animals kept for use and profit.

**Local Solid Waste Disposal Site and Facility:** Any site or facility which has received a Certificate of Designation pursuant to CRS. 30-20-102 and 103 which provides for the deposit and/or final treatment of solid wastes solely for the residents of both unincorporated and/or incorporated portions of Elbert County.

**Lot:** A designed piece or parcel of land occupied by a building or a group of such buildings and accessory buildings together with such open spaces as are required by this Regulation and having frontage on any approved and accepted road which meets the standards of width and improvements as specified in the standard Subdivision Regulations for Elbert County, or upon an approved private street; provided, however, that if the intended use of said lot is for agricultural purposes or for single family or two (2) family dwelling, then piece or parcel of land need only have frontage on a public road or upon improved private road.

**Lot, Corner:** A site bounded by two (2) or more adjacent street lines which have an angle of intersection of not more than one hundred seventy (170) degrees.

**Lot Coverage:** That portion of the lot area covered by a building(s) including all overhanging roofs and parking areas.

**Lot, Double Frontage:** A lot having frontage on two (2) nonintersecting streets as distinguished from a corner lot.

**Lot, Interior:** A lot other than a corner lot.

**Lot Line, Front:** The lot line opposite and most distant from the front lot line except for corner lots, the rear lot line may be any lot line not fronting on a street. Triangular lots shall maintain a rear yard of not less than twenty-five feet (25') from the point of intersection of the side lot lines.

**Lot Line, Side:** Any lot line which is neither front nor rear.

**Lot Width:** The distance between side lot lines measured at the rear of the front yard.

**Major Facility of a Public Utility:** Any transmission lines, power plants and substations of electrical utility; and pipelines and storage areas of utilities providing natural gas or petroleum derivatives.

**Manufactured Home:** A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site bearing a label that it is built in compliance with the "National Manufactured Housing Construction and Safety Standards Act of 1974" (42 USC 5401 et. seq. as amended). All manufactured homes shall be installed on a "property engineered" foundation.

**Metes and Bounds:** A method of describing or locating real property; metes are measures of length and bounds are boundaries; this description starts with a well marked point of beginning and follows the boundaries of the land until it returns once more to the point of beginning.

**Microwave Dish:** A receiver for ultra-high frequency electromagnetic waves.

**Mineral:** An inanimate constituent of the earth, in either solid, liquid or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into useable form as a metal, a metallic compound, a chemical, an energy source, a raw material for manufacturing, or construction material. This definition does not include surface or ground water subject to appropriation for domestic, agricultural or industrial purposes, nor does it include geothermal resources.

**Mineral Resource Area:** An area in which minerals are located in sufficient concentration in veins, deposits, bodies, beds, seams, fields, pools or otherwise, as to be capable of economic recovery. The term includes, but is not limited to any area in which there has been significant mining activity in the past, there is significant mining activity in the present, mining development is planned or in progress, or mineral rights are held by mineral patent or valid mining claim with the intention of mining.

**Miniature Horses:** Miniature horse classified as under 38", which is the vertical distance from the base of the last hairs on the mane to the ground.

**Mobile Home:** A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily moveable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without permanent foundation and built to that portion of the "Factory-Built Housing Construction Code of the State of Colorado" which applies to mobile homes. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. As defined in CRS 1973, Title 24, Article 32, Part 7, as amended.

**Mobile Home, Dependent:** A mobile home which does not contain a flush or chemical toilet or a tub or shower.

**Mobile Home District:** A type of subdivision which shall be utilized exclusively by mobile homes, similar to a conventional single family medium density residential development where land is subdivided and individual lots for individual use.

**Mobile Home, Independent:** A mobile home which contains a flush toilet, a tub or shower, and kitchen

facilities with plumbing connections provided for attachment to outside systems.

**Mobile Home Lot or Space:** A plot of ground within a mobile home subdivision designed for the accommodation of one (1) mobile home and its permitted accessory buildings and uses.

**Mobile Home Park:** See Mobile Home Subdivision.

**Mobile Home Subdivision:** An area of land subdivided for occupancy by mobile homes exclusively, and containing lots in divided or separate ownership.

**Net Acres or Acreage:** Developable Acres less 10% (for roads).

**Net Density:** Net Acres divided by the Base Density as depicted in the “Base Density Table for Residential Developments” shown above.

**Non-Conforming Structure (Including Permanent Signs):** A structure legally existing and/or used at the time of adoption of this Regulation or any amendment thereto and which does not conform to the regulations of the District in which it is located.

**Non-Conforming Use:** A use legally existing and/or used at the time of adoption of this Regulation or any amendment thereto and which does not conform to the use regulations of the District in which it is located.

**Nursery School:** An establishment providing specialized curriculum and/or group care on a planned regular basis for more than four (4) children, unrelated by blood or adoption, away from their homes any part of the day.

**Nursing Home:** An establishment, other than a hospital, licensed by the State, which operates and maintains continuous day and night facilities providing room and board, personal service, and skilled nursing.

**Occupied:** The word "occupied" includes arranged, designed, built, altered, converted, rented, or leased, or intended to be occupied.

**Off-Street Parking:** A site or portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

**Open Space:** A classification of land in Elbert County obtained by approval of application or designation by right that; (1) has been preserved and protected by severance of development rights to a third party through purchase, conservation easement, dedication and/or donation to a public agency or land trust; (2) upon application meets one or more of the purposes of open space set forth in the Elbert County land use regulations and will be preserved by future protects as approved in the application. Land that does not qualify as open space land; (1) whose development is otherwise restricted by zoning regulation (such as setbacks, septic fields) or committed to alternative use (such as access easements, covenanted uses); (2) open space, including green space easements not owned by a third party, such as a land trust or governmental entity, including a metro district, will be allowed by exception only; (3) wetlands which meet the requirements under either the Colorado Wetlands Program, the Colorado Water Quality Control Act (CRS 25-8-101; et seq), or the Federal Clean Water Action (33 USC 1342), are also expressly identified here as qualifying open space even though such wetlands are subject to other restrictions (Elbert County Resolution Number 07-84, *Definition of Open Space Land and Land That Does Not Qualify as Open Space Land*).

**Overnight Campground:** An area specifically designed to accommodate the parking or placement of truck campers, camping trailers and tents used for human occupancy on a transient basis. No truck camper, camping trailer or tent shall be maintained continuously on an overnight campground for more than thirty (30) days during a calendar year.

**Parcel:** A tract or plot of land.

**Parks:** Areas of recreation, industrial, commercial, or business uses developed in accordance with a single approved final site development plan.

**Person:** The word "person" shall also include association.

**Pets:** Small animals and fowl which are customarily kept in the home or on the premises and for the sole pleasure and enjoyment of the occupants.

**Pharmacy:** A place where medicines are compounded or dispensed and sold as well as other types of merchandise.

**Pipelines:** Any pipeline and appurtenant facilities designed for or capable of transporting natural gas or other petroleum derivatives of ten inches (10) diameter or larger which operates at a hoop stress of twenty percent (20%) or more at their specified minimum yield strength (approximately four hundred (400) PSIG or greater).

**Planned Unit Development (PUD):** Custom zoning for a particular property which encourages innovative approaches to land uses, creative design of land uses, energy conservation, efficient use of open space, preservation of environmental conditions and compatibility with overall County objectives.

**Plans (PUD):** The Preliminary Development Plan and/or the Final Development Plan controlling the Planned Unit Development.

**Plant Nursery:** A business involving the wholesale/retail sale of plants, bulbs, bushes, trees, other planting materials and related products grown or maintained on the premises.

**Plat:** A map and supporting materials of certain described land prepared in accordance with the Elbert County Subdivision Regulations as an instrument for recording of real estate interests with the County Clerk and Recorder.

**Power Plant:** Any electrical energy generating facility with generating capacity of three hundred (300) megawatts or more, any facilities appurtenant thereto, or any additional thereto, increasing the existing design capacity of the facility by three hundred (300) megawatts or more.

**Private Kennel:** The housing of no more than four (4) dogs and four (4) cats which are owned by the owner or operator of an agricultural parcel, and kept for traditional, rural and personal values in rural areas of the County.

**Professional Office:** A place of business for any of the following: accountants, architects, attorneys, bookkeeping services, brokers (of stocks, bonds, real estate), building designers, persons licensed by the State to practice any of the healing arts; corporate offices, drafting services, financial institutions, including banks, savings and loan associations, insurance companies, credit unions and credit reporting agencies, development companies, engineers, surveyors and planners, insurance agencies and brokers, interior decorators and designers (no retail sales allowed on premises), laboratories, medical and dental, landscape architects, pharmacies, notaries public, public stenographers, typing and secretarial services and other similar businesses and professions.

**Public Facilities:** Facilities to provide for public uses, including, but not limited to, governmental offices, public utilities, fire stations, police stations, schools, libraries and public parks.

**Public Sewer and Public Water Facilities:** Every firm, partnership, association, cooperative, company, corporation and governmental agency, and the directors, trustees or receivers thereof, whether elected or appointed, which is engaged in providing railroad, airline, bus, electric, rural electric, telephone, telegraph, communications, gas, gas pipeline carrier, water, sewage, pipeline, street transportation, sleeping car, express or private car line facilities and services.

**Range:** A six (6) mile wide strip of land which runs in a north-south direction. Ranges are determined by government survey and are demarcated in numerical order east or west of a principal meridian.

**Recording:** The act of writing or entering an instrument in a book of public record, usually in the Office of the County Clerk and Recorder; such recording constitutes notice to all persons of the rights or claims contained in the instrument.

**Recreation, Commercial:** A commercial use characterized by the provision of recreational facilities and services for remuneration, such as theaters, bowling alleys, tennis courts, recreation centers and similar uses.

**Recreation Vehicles:** A motor home, travel or camping trailer, boat, van or truck camper, with or without self-motive power, designed for temporary human habitation.

**Recreation Vehicle Storage:** An area of land and associated structures arranged, designed and intended to accommodate the temporary parking or storage of unoccupied recreation vehicles.

**Regional Solid Waste Disposal Site and Facility:** Any site or facility which has received a certificate of Designation pursuant to CRS 30-20-102 and 103 which provides for the deposit and/or final treatment of solid wastes for solid waste generated primarily outside Elbert County.

**Religious Retreat:** A site, together with its accessory buildings and uses, designed and designated for religious reflection and activities, where church members and their guests may visit for extended periods of time. It is maintained and controlled by a religious body organized to sustain religious worship.

**Residential Child Care Facility:** A facility licensed by the State Department of Social Services to provide twenty-four (24) hour group care and treatment for five (5) or more children, five (5) through fifteen (15) years of age and/or approved to care for children sixteen (16) through twenty-one (21) years of age, operated under private or nonprofit sponsorship.

**Resort Cabins and Lodges:** Buildings designed and used primarily for recreational purposes in open or mountainous terrain for housing individuals and families on a term occupancy basis.

**Rezoning:** For the purpose of these Regulations, a revision to the Elbert County Zoning Map.

**Riding Stable and/or Academy:** Any establishment which rents, boards or leases riding animals and gives lessons to develop horsemanship.

**Right-of-Way:** An area or strip of land over which a right of passage has been recorded for use by vehicles, pedestrians, and/or facilities or a public utility.

**Road, Private:** A privately owned access way generally not constructed to County specifications and not maintained by the County.

**Road, Public:** A dedicated right-of-way constructed to County specifications for a stated design classification. It includes engineered drainage, based on the hundred (100) year storm frequency, and all traffic control devices necessary for the safe movement of traffic. It is maintained by the County Road and Bridge Department.

**Rooming House:** A building or portion thereof which is used to accommodate, for compensation, three (3) or more roomers, not including members of the occupant's immediate family who might be occupying such building. The word "compensation" shall include money, services or other things of value.

**Runway (Landing Strip):** The area of the airport constructed and used for landing and taking off of aircraft.

**Sanitary Landfill:** An area where waste material is dumped, compacted each day into layers or cells and then covered with a layer of soil in depressions, such as canyons, ravines, old strip mines, sand and gravel pits, abandoned quarries, or carried out on a flat area, as required by state and local regulations.

**Setback:** The length of any required yard measured perpendicular to the lot line.

**Shopping Center:** Three (3) or more attached or detached buildings for rent, lease, or sale used for business or commercial activities having common parking and open space.



**Signs, Name Plates and Signboards:** Any lettered, figured or pictorial matter displayed for advertising purposes whether placed on any natural object, upon any structure or upon any surface which would be visible from any public street, public highway or public road or right-of-way. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office, or posted by any officer in the performance of a public duty, nor shall it be held to include a real estate sign advertising for sale or rent the property upon which it stands.

**Sign, Area of:** The total exterior surface of all faces of any sign.

**Site Area, Gross:** Total ground area purchased by the present owner, including any portions dedicated or improved for public use, including roads.

**Site Area, Net:** The remaining ground area of the gross site after deleting all portions for public use and public improvement.

**Site Plan:** The plans and supplemental materials, including a grading and drainage plan, a landscape plan and other detailed information, drawn and submitted in accordance with the requirements of the adopted County Regulations, to evaluate a project prior to issuance of a building permit for multifamily, business, commercial, industrial and planned development projects.

**Solid Waste:** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid semi-solid, or contained gaseous material from community, commercial, and industrial sources that does not contain hazardous wastes as defined by CRS 25-15-101 (9) except in household quantities. Solid Waste shall not include any solid or dissolved materials in domestic sewage, agricultural wastes, solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under the provisions of the "Colorado Water Quality Control Act," Title 25, Article 8, CRS 1973 as amended; or materials handled at facilities licensed pursuant to the provisions of the "Radiation Control Act", Title 25, Article 11, CRS 1973, as amended.

**Special Wastes:** Any solid waste which requires special handling or disposal procedures, including, but not limited to: asbestos, bulk tires, sludge and infectious wastes.

**Stable, Commercial:** A building or shelter to house riding animals on a rent, lease or fee basis or on which horses are trained, boarded, and/or lessons to improve horsemanship are given.

**Stable, Community:** A structure or shelter owned and maintained jointly by several property owners to shelter riding animals; provided, however, that no space shall be occupied by animals owned by other than the joint owners of such structure or shelter.

**Stable, Private:** A structure to house riding animals.

**Street:** A public right-of-way which provides the principal means of access to abutting property.

**Structure:** Anything which is constructed or erected the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

**Structure, Principal:** A building in which is conducted the principal permitted use of the lot on which it is situated.

**Structure, Temporary:** A structure which is not a permanent structure, or one which is constructed for a special purpose in contemplation of removal upon accomplishment of such. For the purposes of this Regulation, the term "temporary" shall mean a period of up to six (6) months.

**Subdivision:** The division of a lot, tract or parcel of land into two (2) or more plats, sites or other divisions of land for the purposes, whether immediate or future, of sale of a building or development. It includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**Subdivision Regulations:** The Subdivision Regulations duly adopted by the Board of County Commissioners of Elbert County.

**Substation:** Any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity which is intended as a component of transmission and distribution lines.

**Swine:** A pig, sow, hog or any omnivorous mammal with a bristly coat and an elongated, flexible snout.

**Townhouse:** An individual selling unit situated on one (1) lot, but attached to one (1) or more similar dwelling units by a common wall or party wall. Where such a unit is attached to another, the property line shall be the center of the common wall or party wall. The owner of a town home unit may have an undivided interest in common areas and elements appurtenant to such units.

**Tract:** A defined parcel of land (identifiable by reference to either a metes and bounds legal description or identifiable by a quarter/quarter method of description).

**Transmission Line:** Any line beginning at a power plant or substation and terminating at a substation within or beyond the County and which has a voltage of 69KV or greater.

**Unobstructed Open Space:** An area or space covered by trees, shrubbery, vegetation, water and permitted walls and fences and not including parking areas.

**Use:** The purpose of which land or premises or a building thereon is designed, arranged or intended, or for which it is or may be occupied.

**Use, Special Exception:** Uses which must have approval of the Elbert County Board of County Commissioners before being allowed in the specific districts.

**Utility Service Facilities:** Any electric distribution lines, natural gas distribution lines, telegraph and telephone lines, neighborhood substations, gas regulator stations, gas meter stations, and communication stations.

**Veterinary Clinics And Hospitals:** A structure where animals are brought for medical and/or surgical treatment and may be held during the time of treatment and recuperation.

**Warehouse:** A building, or portion thereof, for storing goods, wares and merchandise for the owner or for others.

**Width of Lot:** The distance between side lot lines measured along the front setback line.

**Working Days:** Monday through Friday of each week of the calendar year, except for those days when the Elbert County Offices are closed for holidays.

**Yard:** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Regulation.

**Yard, Front:** Required unobstructed open space extending from the front lot line into a lot over the full lot width, excepting driveways and walks.

**Yard, Rear:** Required unobstructed open space extending from the rear lot line into a lot over the full lot width, excepting driveways and walks.

**Yard, Side:** Required unobstructed open space extending from the side lot line into a lot over the full lot depth; provided, however, that exterior chimneys, soffits and overhangs may extend into the side yard a distance of up to thirty (30) inches. Said side yard shall be measured from the property line to the foundation or to the nearest point of projection of the structure.